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CANADA

Debates of the Senate

1st SESSION

• 39th PARLIAMENT

• VOLUME 143

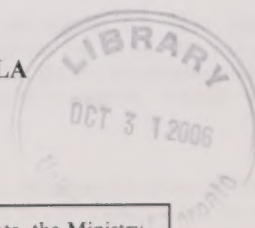
• NUMBER 30

OFFICIAL REPORT
(HANSARD)

Tuesday, September 26, 2006

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

This issue contains the latest listing of Senators, Officers of the Senate, the Ministry, and Senators serving on Standing, Special and Joint Committees.



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THE SENATE

Tuesday, September 26, 2006

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

AFGHANISTAN—FALLEN SOLDIERS

The Hon. the Speaker: Honourable senators, before we proceed, I ask honourable senators to rise and observe one minute of silence in memory of the Canadian soldiers who have lost their lives over the last few months while serving their country in Kandahar.

Thank you, honourable senators.

Honourable senators then stood in silent tribute.

[Translation]

DAWSON COLLEGE

The Hon. the Speaker: Honourable senators, before beginning our deliberations, I ask you to rise and observe one minute of silence in memory of the victims of the tragic events at Dawson College in Montreal.

Honourable senators then stood in silent tribute.

• (1405)

[English]

SENATORS' STATEMENTS

TRIBUTES

THE HONOURABLE MADELEINE PLAMONDON

The Hon. the Speaker: Honourable senators, I received a notice earlier today from the Leader of the Government in the Senate, who requests, pursuant to rule 22(10) of the *Rules of the Senate*, that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Senator Madeleine Plamondon, who retired from the Senate on September 21, 2006.

I would remind honourable senators that, pursuant to the *Rules of the Senate*, each senator will be allowed three minutes and may speak only once. The time for tributes shall not exceed 15 minutes. However, the 15-minute time limit does not include the time for response by the senator to whom tribute is paid.

[Translation]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, Senator Madeleine Plamondon was appointed to the Senate in September 2003. She sat as an independent for just over three years and represented the magnificent Laurentian region, which is a real gem at this time of year.

Senator Plamondon's appointment crowned a long and dedicated career devoted to consumer protection and social justice. She worked tirelessly her entire life in the fields of financial services, protection of privacy and consumers' rights.

Our honourable colleague was well known in her region as the director general of the consumer assistance service in Shawinigan. She founded that not-for-profit agency in 1974 and has helped hundreds of people.

Her greatest achievement is without a doubt Bill S-19, which she introduced in November 2004. The purpose of the bill was to correct a 25 year old problem by reducing the criminal interest rates defined in the Criminal Code so that the interest charged on loans could be no greater than 35 percentage points above the rate set by the Bank of Canada. The Senate unanimously passed Bill S-19 in June 2005 but the bill died on the Order Paper in the House of Commons.

During her short time in the Senate, Senator Plamondon also spoke often to the issue of drinking water, an issue of particular importance to her. She went to Indonesia after the tsunami and spoke out strongly about the water supply problems that arose after the tragedy.

Honourable senator, your departure leaves a great void in the Senate. In my own name and on behalf of my colleagues in the government caucus in the Senate, I wish you a well-deserved retirement in the company of your family and friends. We will miss you.

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, as the work of the Senate resumes this fall, it saddens us to bid farewell to our friend and colleague, Senator Madeleine Plamondon, as she takes her retirement.

• (1410)

Although she sat among us for only three years, Senator Plamondon set an example for us all. We will remember her as a parliamentarian who fought for environmental, social justice and consumer rights issues with passion, tenacity and intelligence.

[English]

Appointed by Prime Minister Chrétien in 2003, this mother of seven children brought to our chamber and to our committees the vast knowledge, skill and experience she acquired over a long and distinguished career in the field of consumer affairs. In particular, she pursued her work here on behalf of underprivileged women and the elderly with exemplary courage and dedication.

[Translation]

Among her many successes in the Senate, I would like to highlight the unanimous adoption of her Bill S-19 to reduce the criminal interest rate. Also of note was her significant contribution to the Standing Committee on Banking, Trade and Commerce, especially with respect to consumer protection.

Her commitment to and passion for social justice earned her numerous prestigious honours, including the Ordre national du Québec and the Prix de la Justice du Québec.

[English]

She is a woman of heart and compassion as the Quebec minister said in awarding her the Prix de la Justice du Québec, her dedication has helped give a voice to the underprivileged and proven that justice is not only a matter for courts and lawyers.

[Translation]

Senator Plamondon, we will remember you as a woman of heart and conscience, a woman who served this institution with grace and devotion. Best wishes to you and your family.

[English]

Hon. Nancy Ruth: Senator Plamondon, you are a model for me. You are caring and tough on difficult issues — truly people-centred issues — and, madam, I got it: water, water, water. Thank you.

Hon. Catherine S. Callbeck: Honourable senators, I am pleased to rise today to join with you in recognizing Senator Plamondon. For much of her life she has worked tirelessly and enthusiastically as an advocate for consumer rights. She founded the Consumer Aid Services of Shawinigan more than 30 years ago, served on countless committees and boards, and has been honoured on numerous occasions with awards for her good work and dedication to the rights of consumers.

Although I did not serve on any Senate committees with the senator, I had the opportunity to work with her on the payday loans legislation. It was then that I recognized her commitment, dedication and intense desire to achieve positive results.

Today, we are losing a vocal and hard working parliamentarian. However, knowing her commitment to the well-being of her fellow Canadians, I am sure she will continue her good work in the next stage of her life. Senator, I wish you continued success in everything you do, and good health and happiness in your retirement.

[Translation]

Hon. W. David Angus: Honourable senators, I am very pleased to rise today to speak to you about Senator Madeleine Plamondon. She was appointed to the Senate in September 2003 as an independent senator, after a long and remarkable career in Quebec. In 1974, she founded the Consumer Aid Service of Shawinigan, which she has managed since its foundation.

[Senator Hays]

She was the proud recipient of the 2000 Prix de la Justice du Québec. Madeleine, you truly are a great citizen of “la belle province.”

I had the opportunity to work with Senator Plamondon when she joined the Standing Senate Committee on Banking, Trade and Commerce during the first session of the 38th Parliament in 2004.

• (1415)

As soon as she joined the banking and commerce committee, I immediately noticed her dedication to the causes dear to her, such as protecting consumer rights.

Senator Plamondon was determined to help the most underprivileged and powerless individuals, including the poor and the elderly, against any injustice. With perseverance and elegance, she introduced Bill S-19, the aim of which was to amend the Criminal Code to reduce criminally-high interest rates.

Thanks to her bill, the members of the committee discovered a peculiar and unregulated financial industry. Her conviction and gentleness were enough to convince each of the committee members of the importance of her bill and the gaps that existed in the industry.

[English]

Accordingly, the committee unanimously passed Bill S-19 and returned it unamended to this chamber where it was given third reading unanimously.

[Translation]

Senator Plamondon, we will miss your presence in the upper chamber very much. With your children and your 26 grandchildren, you form an extraordinary family, one that is typical of Quebec. You have accomplished a great deal here in the Senate of Canada in the space of three years. And even though you are leaving this place, your contribution to consumer protection and social justice is far from over.

Dear Madeleine, I wish you all the best in your future endeavours.

[English]

May God bless you, Madeleine, and thank you for having passed our way.

[Translation]

Hon. Marcel Prud'homme: Dear Madeleine, I was coming back from Montreal when I heard that you had been appointed as a senator representing Quebec by the Right Honourable Jean Chrétien. That proves, once again, how very wise that Prime Minister was, as he demonstrated on many occasions.

I immediately got in touch with you and, for more than half an hour, described in detail what you could expect in Ottawa as an independent senator. I think I gave a very honest description, but only you can attest to that.

As you yourself have said, independent senators have fewer services at their disposal. When you arrived, you watched, listened and observed. You told me that when you entered the Senate, you were amazed to hear Senator Phalen alert us to all the shells remaining from the war that posed a hazard in his region.

His comments struck you. That is what a senator who watches and listens can pass on to his or her colleagues. These may be local problems, but they take on a greater importance and sometimes require that we look at them to find solutions. An attentive senator can often play a leadership role and make us aware of issues so that steps can be taken immediately to address them.

• (1420)

For the benefit of my colleagues from other regions who have not yet met Senator Plamondon, allow me to say that she is no stranger to the residents of Shawinigan or to Quebec consumers. Although she is leaving today, I am convinced that she will be even more renowned — not only among the residents of Shawinigan and consumers, but also among the citizens of Canada — for the activities she plans to undertake.

She has managed her personal life — her husband was ill and passed away recently, she has seven children and thirteen grandchildren — and at the same time struck fear among the exploiters, the bankers and others who take advantage of the many ordinary citizens who need a champion. That is what we saw when we met you, that is what we liked about you when we got to know you. I am wondering about my colleague, Senator Campbell: how much is he going to miss you?

Come back often and take our best wishes to your entire family. We will be nominating you for the Order of Canada.

Hon. Pierrette Ringuette: Honourable senators, it is a pleasure to speak to you about our colleague, the Hon. Madeleine Plamondon. When she was appointed to the Senate, Senator Plamondon was seated next to me. I can assure you that even though she did not have parliamentary experience, she quickly learned the ropes. I mention this because Senator Plamondon very quickly mastered the rules of the game both in the Senate and in committees.

Thank you, Senator Plamondon, for your attention, your dedication and for bringing forward all the issues that were dear to you, especially loans made to Quebec and Canadian consumers at usurious rates. Thank you for speaking to us on many occasions about potable water, another one of her passions. Thank you for sharing all this with us. In the years to come she will continue to do the same.

Rest assured that even though you were only in the Senate for a short while, you made your mark and we are all the better for it.

[English]

The Hon. the Speaker: Honourable senators, our 15 minutes for tributes has expired. We will, however, have an opportunity when the Senate rises later today to greet Senator Plamondon on a one-on-one basis. Knowing she is in the gallery, perhaps we can collectively extend our best wishes.

• (1425)

THE LATE WALTER PODILUK, O.C.

Hon. David Tkachuk: Honourable senators, today I wish to pay tribute to a great Saskatchewanian, the late Walter Podiluk, who died at the age of 79 on Sunday, September 10.

I first met Mr. Podiluk in 1971 when he interviewed me for a teaching position with the Catholic school board, and what an intimidating meeting that was. Mr. Podiluk, as we knew him, had already established a formidable reputation.

Walter served as the Director of Education of the Saskatoon Catholic School Board until 1982 where he oversaw the tremendous expansion of Catholic education and its excellence in our city. He was a leader in establishing bilingual French education in our city in the 1960s and the 1970s so that by the early 1970s the St. Paul's school district already had immersion elementary schools, clearly a leader in Western Canada. Both my children benefited from that work.

In 1982, Walter became the Deputy Minister of Social Services and, later, in 1984, he became Deputy Minister of Health in the government of Progressive Conservative Premier Grant Devine.

Following his distinguished career, Walter's dynamism and expertise in health and social affairs eventually carried him to the post of President and CEO of St. Paul's Hospital from 1991 to 1995.

My respect and admiration for Walter has been echoed by many Canadians, within and outside Saskatchewan. This humble grandfather, who could often be found giving putting lessons to the grandchildren he was so proud of at a local Saskatoon golf course, was also honoured with the Order of Canada, an Honorary Doctor of Law from the University of Saskatchewan, the Saskatoon Century Award of Recognition, the Saskatchewan Centennial Award, the Ukrainian Canadian Congress National Builders Award, the College of Education Founders Award, the Saskatchewan Registered Nurses Association Honorary Life Membership award and the Rotary Golden Wheel Award for Excellence. I have named but a handful of awards from a long list of his outstanding achievements, commendations and honours.

Walter also represented, as a Ukrainian Canadian, how great a contribution immigrants can make to their communities and Canadian society in general.

As a role model, as a man with a tireless work ethic and enthusiasm for getting things done, and as a pillar of our community in Saskatoon, Walter's vibrant presence will be sorely missed. What we do have are all the achievements, structures, organizations, initiatives, good practices and mentoring that he has left with us.

To those of you who may be wondering, he did hire me.

Walter was predeceased by his wife Annie. To his children and grandchildren, on behalf of all honourable senators, thank you for sharing your father and grandfather with Canadians. We are all the richer for him. May God bless him.

[Translation]

THE LATE BENOÎT SAUVAGEAU

Hon. Lise Bacon: Honourable senators, the tragic loss of member of Parliament Benoît Sauvageau on August 28 took us all by surprise and saddened us deeply. I have known Benoît for many years, and I had the opportunity to work more closely with him as part of the Canada-France Inter-Parliamentary Association, of which he was a member and, since 2004, Vice-Chair. He was the sort of person everyone liked and wanted to spend time with.

Benoît was an extremely hard worker, but he did not seek the limelight. As a member of Parliament, he focused mainly on accomplishing certain specific missions to which he dedicated himself completely. Protecting and promoting the French language, strict spending control, integrity in the management of public funds and working in the best interests of his Repentigny riding are excellent examples of what he cared about most as a member of Parliament.

Benoît was a perfect example of an effective parliamentarian who conscientiously represented his constituents' best interests while keeping a close eye on government and bureaucratic activity. In principle, it is the responsibility of all parliamentarians, government and opposition members alike, to keep a close watch on the activities of the executive branch. In that respect, Benoît's time in Ottawa was not spent in vain, nor was it spent idly, for he did exceptional work.

People who knew him remember him as kind, generous, and sensitive to the people around him. During the years he contributed to the activities of the Canada-France Inter-Parliamentary Association, his professionalism and non-partisanship, as well as his integrity, made as great an impression on our French colleagues as on the Association's Canadian members, regardless of their political affiliation.

Benoît was one of those rare individuals everyone could appreciate. That is why, on behalf of myself and all members of the Canada-France Inter-Parliamentary Association, I would like to pay tribute to Benoît Sauvageau and emphasize his remarkable contribution to parliamentary life in Canada since 1993.

I invite you to join me in expressing our sincere condolences to his wife, Jacinthe, and his daughters, Laurence, Catherine, Elizabeth and Alice. We remember Benoît as a devoted person who faced every test with integrity and kindness. He will always have a special place in our hearts.

• (1430)

WORLD DARFUR DAY

Hon. Roméo A. Dallaire: Honourable senators, I want to take this opportunity today to commend Canada's youth and young adults under 30 who took part in the large demonstrations on September 17 to support those who suffer human rights abuses

and to bring attention to the humanitarian disaster still going on in Darfur.

Thousands took to the streets of the big cities to show their support for these victims. If we decide to take action, to help and protect the people in Darfur and in other countries, it will be these young people, for the most part, who will have to pay the price with their blood to advance these great theories that must be put into practice by great powers such as ours.

Unlike what happened at Dawson College, where we were shaken by a person who fundamentally abused the rights of our country, just 12 hours away from here a population of more than two and a half million people is brutalized daily, raped and killed by individuals who abuse their rights. The African Union is at the end of its rope.

[English]

The Hansards of both this chamber and the other are riddled with great statements about what we should do to prevent genocide and massive abuse of human rights. We even initiated the responsibility to protect. However, we are currently witnessing, and will continue to witness in grander scale, a genocide right in front of us at a slow pace. We are seeing Rwanda II in action right now.

What will motivate us to take action as those in the paintings hanging in this chamber did years ago?

At one time, I considered bringing a flak jacket I wore during the Rwandan genocide — a jacket that is blood-soaked from carrying a 12-year-old girl who had been mutilated and repeatedly raped — into this red chamber and throwing it into the middle of the room, to bring to the attention of the political elite of this nation that human rights is not a privilege of only those who have the money to buy it and sustain it, but rather equally the privilege and right of every human being.

Hon. Senators: Hear, hear!

THE LATE HONOURABLE EDWIN A. GOODMAN, O.C., P.C.

Hon. Lowell Murray: Honourable senators, please permit me to record the passing, on August 23 last, at the age of 87, of the Honourable Edwin A. Goodman — Privy Councillor; Officer of the Order of Canada; Queen's Counsel; World War II veteran; Chevalier in the Order of the Legion of Honour of France; leader in religious, cultural, scientific and charitable activity; and pillar of the Ontario and federal Progressive Conservative parties for more than 50 years. His prodigious service to so many parts of Canadian life was well chronicled in the nation's media in the days following his death. Even more gratifying to those who knew and loved him were the spontaneous published recollections contributed by people who wrote in to tell of a single encounter or of a particular incident that illuminated his generosity, his humanity, his sense of humour.

[Senator Tkachuk]

Eddie Goodman was a formidable, multi-talented political strategist and organizer who cared most deeply about the policy of his party. He broke with the Diefenbaker government in 1962 on an issue of foreign and defence policy and resigned as national vice-president of the party. Several elections later, and in subsequent elections, he returned to his prominent place and campaigned for the PC party.

The so-called wedge issue, or hot button issue, was no part of his thinking. He insisted on an electoral program that was coherent, unifying, detailed and always leaning to the progressive. If he thought the platform lacking on a particular subject, a call would go out to some of his numerous acquaintances conscripting them, irrespective of party affiliation, to bring their expertise to bear on the drafting of a suitable policy. If time did not permit such a wider consultation, he would take pen in hand and, with the help of one or two friends, fill the policy vacuum himself.

Political life in Canada was enlivened and enriched by Eddie Goodman's service, and for that I believe we are all in his debt.

• (1435)

PORT OF HALIFAX

Hon. Donald H. Oliver: Honourable senators, I rise today to call your attention to the benefits and opportunities the Port of Halifax offers Canada as the Atlantic hub for global trade.

The rise of Asian trade provides greater opportunity for Canadian ports. Traditionally, ports on the Pacific coast have conducted most of Canada's trade with those markets due to the shipping time and costs. As the volume in trade at Vancouver and Prince Rupert is expected to increase by 300 per cent in the next 15 years and current infrastructure is in the process of development to preserve demand, the Port of Halifax can act as a catalyst to maintain, if not increase, North America's trade with Asia.

Halifax enjoys several key advantages over other ports. As the first port of call across the Atlantic, the terminals, cranes and equipment are operating only at 60 per cent while the railways are operating only at 30 per cent. The Port of Halifax, with infrastructure in place to increase capacity, is a cost advantage for Canada to supply and meet the global demand.

More importantly, the Port of Halifax is the only port deep enough on the East Coast to handle the exceptionally large intermodal vessels that are quickly becoming the mainstream in the world's shipping fleet. Last year alone, records were made by the Port of Halifax by receiving and allocating over 550,000 single intermodal containers coming off more than 2,000 ships. Halifax is the Atlantic gateway for Quebec, the Midwest, Winnipeg and even to the shallow ports of our neighbours in New York and New Jersey, which need Halifax to transship U.S.-bound imports from Asia.

Traditionally, Halifax has not been considered to be an attractive location as an entry and exit point for increasing trade. Why, then, honourable senators, is the Port of Halifax so important? The answer is simple: to be ahead of the competition

in global trade, Canada requires robust and reliable ports on both the east and west coasts. Halifax, as the Atlantic hub, can easily be poised as the new back door for Asia.

Honourable senators, with global trade as significant as it is, we must recognize the opportunity the Port of Halifax offers Canada. The Port of Halifax has been very successful in its achievements, but it is our duty to ensure that the rest of the globe takes notice and allows the Port of Halifax to take the stage.

NEW BRUNSWICK

CONGRATULATIONS ON ELECTION OF LIBERAL GOVERNMENT

Hon. John G. Bryden: Honourable senators, I would like to draw your attention to a wonderful event that happened to me last Tuesday morning. As you know, I live on a farm in the province of New Brunswick, and normally in the morning the birds wake me up. However, on this Tuesday morning, I was awakened by the sound of happy voices singing, "Happy days are here again; the skies are bright and clear again," and it was the people of New Brunswick celebrating a Liberal win the night before.

I would like to take this opportunity to congratulate Shawn Graham, but also still, at least until October 3, Premier Lord and his team. The campaigns were energetic, clean and thoughtful. One could not really call them "titans" because neither one of them is very big, but they fought hard battles. After it was over, I think they respected each other. As I said when Premier Lord won his first election, I was not at all disturbed that he was as young as he was. I am equally comfortable with the fact that the new premier, Shawn Graham, is 39 years of age and has earned this position by recruiting one of the finest teams that I have known in the Liberal Party in New Brunswick.

I want to finish up, Your Honour, and I know you will let me because we are neighbours. We come from the same place and I appreciate your unbiased position in this regard.

• (1440)

We have established a red beachhead in a sea of blue in Atlantic Canada. We have done this before, and the beachhead will expand to P.E.I., Nova Scotia, Newfoundland and, lo and behold, on up the way.

Yes, it is just one beachhead, but there is someone in this chamber from whom I have heard the expression, "Yes, but we can take a first step." This is a first step for the Liberal Party in Atlantic Canada. It has been a pleasure for me to be associated with Shawn Graham and his team.

I wish Premier Lord and his young family every success in the future, whether he decides to stay in the legislature of New Brunswick or he aspires to greater things.

[Translation]

ROUTINE PROCEEDINGS

HOUSE OF COMMONS ETHICS COMMISSIONER

2005-06 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the report on the activities of the Ethics Commissioner with regard to public office holders for the year ending March 31, 2006, pursuant to section 72.13 of the Parliament of Canada Act.

INDUSTRY

TELECOMMUNICATIONS AND RADIO APPARATUS USER FEE PROPOSAL—REPORT TABLED AND REFERRED TO TRANSPORT AND COMMUNICATIONS

Hon. Gerald G. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to section 4 of the User Fees Act, I have the honour to table, in both official languages, a new fee schedule for services associated with radios and telecommunication devices, provided by Industry Canada.

After consultation with the Leader of the Opposition, the committee with responsibility for studying this document is the Senate Standing Committee on Transport and Communications.

[English]

The Hon. the Speaker: Pursuant to rule 28(3.1), adopted on June 27, 2006, this document is deemed referred to the Standing Senate Committee on Transport and Communications.

[Translation]

COMMISSION OF INQUIRY INTO THE ACTIONS OF CANADIAN OFFICIALS IN RELATIONS TO MAHER ARAR

REPORT TABLED

Hon. Gerald G. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the report of the Commission of Inquiry into the Actions of Canadian Officials in Relation to Maher Arar, entitled: *Report of the Events Relating to Maher Arar*.

THE ESTIMATES, 2006-07

PART III— REPORT ON PLANS AND PRIORITIES TABLED

Hon. Gerald G. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, two copies of Part III of the 2006-07 Estimates, report on plans and priorities.

OFFICIAL LANGUAGES

NOTICE OF MOTION TO APPROVE NOMINATION OF GRAHAM FRASER AS COMMISSIONER

Hon. Gerald G. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That, in accordance with Section 49 of the *Official Languages Act*, R.S.C., 1985, chapter. 31 (4th Supp.), the Senate approve the appointment of Graham Fraser as Commissioner of Official Languages for a term of seven years.

• (1445)

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with the permission of the Senate, and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Legal and Constitutional Affairs have the power to sit at 2:30 p.m. on Wednesday, September 27, 2006 and at 2:30 p.m. on Wednesday, October 4, 2006 even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

[English]

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Marcel Prud'homme: Honourable senators, to every objection there is always an exception. It is reluctantly that I say yes, but the gentleman had the courtesy to consult with those who could have said no. I appreciate the courtesy of Senator Comeau, who informed me as to why this request was being made. However, I would not like this to be taken as a blank cheque for every other committee that wants to sit while the Senate is sitting. It is difficult to say no to one request and yes to another one. Some day we will end up without a quorum. Exceptionally, I say yes for the reason that I have just expressed, but I reserve my judgment on future requests.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Is it the pleasure of honourable senators to adopt the motion?

Motion agreed to.

SENATE REFORM

NOTICE OF MOTION TO AUTHORIZE SPECIAL
COMMITTEE TO EXTEND DATE OF FINAL REPORT

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding the Order of the Senate adopted on Wednesday, June 21, 2006, the date for the Special Senate Committee on Senate Reform to submit its final report be extended from September 28, 2006 to October 26, 2006.

NATIONAL DEFENCE ACT

NOTICE OF MOTION CALLING UPON
GOVERNMENT TO PROCLAIM SECTION 80
OF THE PUBLIC SAFETY ACT, 2002

Hon. Hugh Segal: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Senate calls upon the Government of Canada:

- (a) to cause the bringing into force of section 80 of the *Public Safety Act 2002*, chapter 15 of the Statutes of Canada 2004, assented to on May 6, 2004, which amends the *National Defence Act* by adding a new Part VII dealing with the reinstatement in civil employment of officers and non-commissioned members of the reserve force;
- (b) to consult with provincial governments as provided in paragraph 285(13)(a) of the new Part VII with respect to implementation of that Part; and
- (c) to take appropriate measures in order for the provisions under the new Part VII to apply to all reservists who voluntarily participate in a military exercise or an overseas operation, and not to limit the provisions to those reservists who are called out on service in respect only of an emergency.

• (1450)

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO EXTEND DATE OF FINAL REPORT ON STUDY
OF ISSUES CONCERNING MENTAL HEALTH
AND MENTAL ILLNESS

Hon. Marilyn Trenholme Counsell: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Social Affairs, Science and Technology which was authorized by the Senate on Tuesday, April 25, 2006 to examine issues concerning

mental health and mental illness be authorized to extend its power to publicize its findings from September 30, 2006 until March 31, 2007.

STUDY ON ISSUES RELATING TO NEW AND EVOLVING
POLICY FRAMEWORK FOR MANAGING
FISHERIES AND OCEANSNOTICE OF MOTION TO ADOPT FISHERIES AND
OCEANS COMMITTEE'S INTERIM (SECOND) REPORT
AND REQUEST FOR GOVERNMENT RESPONSE

Hon. Bill Rompkey: Honourable senators, I give notice that two days hence, I shall move:

That the Second Report of the Standing Senate Committee on Fisheries and Oceans, tabled in the Senate on June 22, 2006, be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the Government, with the Minister of Fisheries and Oceans and the President of the Treasury Board being identified as Ministers responsible for responding to the report.

[Translation]

NATIONAL FINANCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO
STUDY ISSUES RELATING TO FISCAL BALANCES
AMONG ORDERS OF GOVERNMENT

Hon. Joseph A. Day: Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That the Standing Senate Committee on National Finance be authorized to examine and report on issues relating to the vertical and horizontal fiscal balances among the various orders of government in Canada; and

That the Committee report no later than June 30, 2007.

[English]

HUMAN RIGHTS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO STUDY ORGANIZATION FOR SECURITY AND
CO-OPERATION IN EUROPE 2006 RESOLUTION
ON ANTI-SEMITISM AND INTOLERANCE

Hon. Jerahmiel S. Grafstein: Honourable senators, I give notice that, two days hence, I will move:

That the following Resolution on Combating Anti-Semitism and other forms of intolerance which was adopted at the 15th Annual Session of the OSCE Parliamentary Association, in which Canada participated in Brussels, Belgium on July 7, 2006, be referred to the Standing Senate Committee on Human Rights for consideration and that the Committee table its final report no later than March 31, 2007:

**RESOLUTION ON
COMBATING ANTI-SEMITISM
AND OTHER FORMS OF INTOLERANCE**

1. Calling attention to the resolutions on anti-Semitism adopted unanimously by the OSCE Parliamentary Assembly at its annual sessions in Berlin in 2002, Rotterdam in 2003, Edinburgh in 2004 and Washington in 2005,
2. Intending to raise awareness of the need to combat anti-Semitism, intolerance and discrimination against Muslims, as well as racism, xenophobia and discrimination, also focusing on the intolerance and discrimination faced by Christians and members of other religions and minorities in different societies,

The OSCE Parliamentary Assembly:

3. Recognizes the steps taken by the OSCE and the Office for Democratic Institutions and Human Rights (ODIHR) to address the problems of anti-Semitism and other forms of intolerance, including the work of the Tolerance and Non-Discrimination Unit at the Office for Democratic Institutions and Human Rights, the appointment of the Personal Representatives of the Chairman-in-Office, and the organization of expert meetings on the issue of anti-Semitism;
4. Reminds its participating States that "Anti-Semitism is a certain perception of Jews, which may be expressed as hatred towards Jews. Rhetorical and physical manifestations of anti-Semitism are directed towards Jewish or non-Jewish individuals and/or their property, towards Jewish community institutions and religious facilities", this being the definition of anti-Semitism adopted by representatives of the European Monitoring Centre on Racism and Xenophobia (EUMC) and ODIHR;
5. Urges its participating States to establish a legal framework for targeted measures to combat the dissemination of racist and anti-Semitic material via the Internet;
6. Urges its participating States to intensify their efforts to combat discrimination against religious and ethnic minorities;
7. Urges its participating States to present written reports, at the 2007 Annual Session, on their activities to combat anti-Semitism, racism and discrimination against Muslims;
8. Welcomes the offer of the Romanian Government to host a follow-up conference in 2007 on combating anti-Semitism and all forms of discrimination with the aim of reviewing all the decisions adopted at the OSCE conferences (Vienna, Brussels, Berlin, Córdoba, Washington), for which commitments were undertaken by the participating States, with a request

for proposals on improving implementation, and calls upon participating States to agree on a decision in this regard at the forthcoming Ministerial Conference in Brussels;

9. Urges its participating States to provide the OSCE Office for Democratic Institutions and Human Rights (ODIHR) with regular information on the status of implementation of the 38 commitments made at the OSCE conferences (Vienna, Brussels, Berlin, Córdoba, Washington);
10. Urges its participating States to develop proposals for national action plans to combat anti-Semitism, racism and discrimination against Muslims;
11. Urges its participating States to raise awareness of the need to protect Jewish institutions and other minority institutions in the various societies;
12. Urges its participating States to appoint ombudspersons or special commissioners to present and promote national guidelines on educational work to promote tolerance and combat anti-Semitism, including Holocaust education;
13. Underlines the need for broad public support and promotion of, and cooperation with, civil society representatives involved in the collection, analysis and publication of data on anti-Semitism and racism and related violence;
14. Urges its participating States to engage with the history of the Holocaust and anti-Semitism and to analyze the role of public institutions in this context;
15. Requests its participating States to position themselves against all current forms of anti-Semitism wherever they encounter it;
16. Resolves to involve other inter-parliamentary organizations such as the IPU, the Council of Europe Parliamentary Assembly (PACE), the Euro-Mediterranean Parliamentary Assembly (EMPA) and the NATO Parliamentary Assembly in its efforts to implement the above demands.

ANTI-TERRORISM ACT

**NOTICE OF MOTION TO AUTHORIZE SPECIAL
COMMITTEE TO EXTEND DATE OF FINAL REPORT**

Hon. David P. Smith: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That, notwithstanding the Order of the Senate adopted on Tuesday, May 2, 2006, the date for the presentation of the final report of the Special Senate Committee on the Anti-terrorism Act be extended from October 5, 2006 to December 22, 2006.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF THE CANADIAN ENVIRONMENTAL PROTECTION ACT

Hon. Tommy Banks: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That, notwithstanding the Order of the Senate adopted on Thursday, April 27, 2006 the Standing Senate Committee on Energy, the Environment and Natural Resources, which was authorized to examine and report on the review of the *Canadian Environmental Protection Act* (1999, c.33) pursuant to Section 343(1) of the said Act, be empowered to extend the date of presenting its final report from October 2, 2006, to March 31, 2007.

QUESTION PERIOD

FINANCE

SPENDING CUTS TO VARIOUS GOVERNMENT PROGRAMS

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, my question is to the Leader of the Government in the Senate. Yesterday, the Conservative government announced with much enthusiasm that the budgetary measures from the previous Liberal government produced, once again, a sound fiscal environment for Canadians. Thanks to the responsible financial management of a Liberal government, the Conservatives inherited a \$13.2-billion surplus, announced yesterday. However, honourable senators, on the same day the government chose to cut \$1 billion from 66 programs that have proven effective in helping individuals and communities. Literacy skills programs, youth employment initiatives, the Canadian volunteerism initiative, Status of Women Canada, to name a few, are programs that the President of the Treasury Board referred to as “wasteful programs”; cuts that the Minister of Finance described as “trimming the fat.”

Will the Leader of the Government in the Senate tell us if she agrees with her colleagues, and whether other vulnerable Canadians will be on the Conservative's target list next?

• (1455)

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question and for correctly stating that the \$13.2 billion surplus was used to pay down the debt. As I reported in the Senate, Minister Flaherty is committed to budgeting Canadian taxpayers' hard-earned dollars in such a way that similar huge surpluses do not occur again. Much of the \$13.2 billion was the result of the fiscal management of the previous government, the groundwork for which was laid by the Conservative government prior to that. Former Prime Minister Mulroney used to say that he planted the garden, and Paul Martin and Jean Chrétien picked the flowers.

A portion of the \$13.2 billion surplus, more than was mentioned in Minister Flaherty's budget, was the direct result of this government, unlike the previous government, not succumbing to “March madness” — the annual last-minute government spending spree before fiscal year end.

These were not cuts but savings, and they represent less than 1 per cent of the overall spending of the government. I was honoured to sit on the special committee of cabinet over the summer to identify these savings. We began our work with four objectives in mind. First, we wanted to know whether Canadian taxpayers were receiving value for money. Second, once we determined that information, we eliminated programs that did not achieve results. Some of the savings were realized in unused funds, by eliminating programs already achieved or because the expected take-up did not occur. Third, we brought in efficiencies by reducing or streamlining programs, such as Status of Women Canada. Programs were not cut but we did make administrative changes because there had been duplication of work between the administration of SWC and the Department of Canadian Heritage. Fourth, we eliminated non-core programs that did not serve the general overall priorities of Canadians in any way.

Senator Hays: My supplementary question for the honourable leader is in two parts so that honourable senators might pose specific questions on some of these programs. The Leader of the Government used the value-for-money criteria, which, of course, is the Auditor General's standard on a comprehensive audit. Necessarily, that standard involves a careful examination of the program in the form of a consultation with the persons in receipt of funds and those who deliver the program. As well, some kind of objective judgment must be formed to determine whether the program served its purpose. Were those kinds of steps taken in each of these cases?

• (1500)

Senator LeBreton: I can assure the honourable senator that over the summer, each minister looked at the spending within their own departments, came to the table with monies that fell within the four categories I just mentioned, and satisfied themselves that there were communications with the various stakeholder groups. In fact, the savings that we have implemented, which is less than 1 per cent of the overall spending of the government, does not take away, in most cases, from the good work that many of these programs provide to Canadians.

Senator Hays: As time passes I know we will hear from the organizations affected, and it will be told just what the practice was in regard to these cuts.

At this point I understand the position of the leader, but I wonder if this is the end. These programs are mostly directed to aid vulnerable Canadians. Is this the end of these kinds of cuts to programs that have been benefiting vulnerable communities in Canada, or does the government have more to come?

Senator LeBreton: Honourable senators, in life, as in most things, there is never an end, except in death, but while still on this earth we have to continue to improve things. The government is committed to \$1 billion in savings this year and \$1 billion next

year. I would simply say to the Honourable Senator Hays that the Minister of Finance will be giving his financial update in the fall and, of course, delivering a new budget in 2007.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

SPENDING CUTS TO NATIONAL LITERACY SECRETARIAT

Hon. Joyce Fairbairn: Honourable senators, it is with great sadness and deep frustration that I ask the Leader of the Government on behalf of citizens in all parts of Canada why the federal government has chosen to withdraw \$17.7 million from the federal adult learning and literacy program across this country. I know that the President of the Treasury Board, Minister Baird, referred to his cuts as wasteful programs, that they were not delivering value for money, that they needed to be streamlined or consolidated, or that they did not focus on the new government's priorities. Surely the effort to help the 42 per cent of our adult citizens, who are faced every day without adequate skills to find a job or help their children to learn, cannot be considered wasteful.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thank Senator Fairbairn for the question. The fact is that the government will be investing a total of \$81 million this year and next year in adult learning, literacy and essential skills. In the future we will focus on federal learning and literacy resources in areas of national interest and core federal responsibility. We are eliminating, as Minister Baird mentioned yesterday, \$17.7 million over two years for funding to local and regional literacy programs because we are withdrawing from activities being performed by other levels of government. I want to assure the honourable senator, however, that all existing, signed agreements will be honoured.

Senator Fairbairn: Honourable senators, I am glad to hear the second part of the answer, but I would like to go back to the first part. I speak, obviously, of the highly respected National Literacy Secretariat. It was created under the guiding wisdom of former Prime Minister Brian Mulroney and has now been buried in the restructuring of the Department of Human Resources and Skills Development.

• (1505)

Was it regarded as a wasted product? Was it regarded as something that was not, within the federal judgment, a significant part of helping a huge number of our population, which cannot get through a day with the kinds of basic skills that we all take for granted? Is this evidence again of a group and an issue that does not really count?

Senator LeBreton: I thank Senator Fairbairn for that question. I do not think anyone in the country or in this chamber would say that a government that intends to invest \$81 million in this area does not care, or that the people involved do not count.

In terms of some of the restructuring of government, when the new Conservative government was sworn in Prime Minister Harper drastically reduced the size of cabinet. Therefore, the

various programs of government needed to be restructured and put under the smaller cabinet which, by the way, also saved the taxpayer \$47 million.

Senator Fairbairn: I have a final question and comment, honourable senators.

I am pleased to a point to hear that the federal government today is not abandoning this issue; I do not see how it possibly could. One thing at the heart of the successful development of the literacy programs across this country has been the very partnership with the federal government in the beginning when Prime Minister Mulroney brought in the National Literacy Secretariat. That was an innovative thing to do, and he was probably criticized by some for doing it.

In the end, it has caused the federal and provincial governments to work together on an issue that absolutely pulls our country down. We must not only use federal dollars and cents, but also the wisdom and the advice that comes from those who know how to do this, people who are still in the National Literacy Secretariat but buried away somewhere. We need to support and expand that initiative in our country, not pull back at a time when, if ever, we need it.

One can read in every newspaper and hear on television each day of the week that Canadians do not have a sufficiently-skilled workforce. If 42 per cent of our adult citizens are unable yet to find their way in that workforce, then that must be the case. That is what these programs fundamentally try to do: to lift people up. That amount of money is huge in literacy circles. Taking it away does not help and it does not lift the hearts and the courage of the people who come to the little places in towns and cities where they actually learn to read. It is one of the few occasions where the Government of Canada has been able to reach down to the streets of this country and be part of a learning experience, and it was done with great support and enthusiasm from the provincial governments.

Senator LeBreton: There is no denying that Senator Fairbairn has a very passionate and long-serving commitment to this issue.

Having said that, I can see nothing in what the government is doing, or will be doing, that in any way will deter anyone working in this area from continuing their work in the area, if he or she feels passionate about it. Honourable senators, \$81 million is a lot of money. Like many of these programs, everyone involved in them will continue to be involved.

I would ask the honourable senator to give the government a chance to work through this new initiative in the manner it has been restructured in Minister Finley's department.

There is no question that Canada has a shortage of skilled workers — and this is a very important issue. I do not for one moment accept that programming undertaken by other levels of government will fall by the wayside.

In fact, I do believe that an injection of \$81 million this year into the Adult Learning, Literacy and Essential Skills Program is a significant amount of money that, properly used, will greatly assist people in developing skills and entering the workforce as viable and successful Canadians.

[Translation]

STATUS OF LITERACY PROGRAM

Hon. Fernand Robichaud: Honourable senators, you will recall that I asked some questions at the end of June about a project involving a support group for people with dyslexia. They were granted the project. Under the current program, they can submit a new request to have the project continue for a period of three years, but the funding they received covers only one year.

Can these people submit a request to have their program extended for two more years? Considering all the work that remains to be done, one year is certainly not long enough to achieve the goals they have set. It is very important for these individuals — and I imagine for all other groups in the country — that these programs can be extended for a certain period of time. I would like to know if this can be done.

[English]

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question. He may remember that, when he previously posed that question, I undertook to get an answer.

I have been informed just today that an answer is expected shortly. I hope tomorrow to be able to table that answer.

[Translation]

FINANCE

SPENDING CUTS TO COURT CHALLENGES PROGRAM

Hon. Claudette Tardif: Honourable senators, in its financial statement on Monday, the Conservative government announced, with no valid reason and without consulting the communities affected, the elimination of the court challenges program.

The Fédération des communautés francophone et acadienne issued a statement indicating that it is extremely disappointed and displeased, and that by ending this program, the federal government is failing in its obligations under the Official Languages Act.

The departing Commissioner of Official Languages, Dyane Adam, said this announcement marked a dark day, given that the program is essential to our country's democracy.

My question for the minister is this: are official language minority communities to understand that the programs supporting their development and their language rights are considered ineffective by the federal government?

• (1515)

[English]

Hon. Marjory LeBreton (Leader of the Government): I thank Senator Tardif for her question. I hope honourable senators will notice that we have put before Parliament our nomination for a

new Commissioner of Official Languages. We hope to have the new Official Languages Commissioner appear before the Senate fairly soon, something about which Senator Comeau gave notice earlier today.

With regard to the honourable senator's question concerning the Court Challenges Program, I refer to Minister Flaherty's budget earlier this year wherein the new Conservative government promised to review programs to ensure that every tax dollar that is spent achieves results, provides value for money and meets the needs of Canadians. As a result of the review I just mentioned, the Court Challenges Program has been eliminated. This organization is the single recipient of this funding and it will be directed to stop making further commitments. This represents savings of up to \$2.8 million annually for the 2006-07 and 2007-08 fiscal years.

We take our responsibility as legislators seriously. If we did a better job in this place and in the House of Commons to ensure that our laws are constitutional, it perhaps would eliminate the necessity for having groups challenge laws before the courts.

Having said that, there are many organizations that do challenge our laws. They have done so successfully without having a specific federal government program designated for such activities.

[Translation]

Senator Tardif: Honourable senators, this program was intended to reinforce respect for linguistic rights. It allowed francophones from across the country to open schools that would give them access to services in their language.

Abolishing this program — is that the response we get from a government that claims to adopt positive measures under Bill S-3, which was introduced and unanimously passed in the Senate and received Royal Assent last November?

It is not a matter of efficiency or savings. It is a matter of rights that are protected under the Canadian Charter of Rights and Freedoms. We know that in many cases these rights could not have been attained without this program, especially for official language minorities.

[English]

Senator LeBreton: I thank Senator Tardif for her question. As the honourable senator has stated, the Court Challenges Program provided some good work.

After consultation with various ministers and officials of government, it was decided, around the cabinet table, that this was one of those programs that could be eliminated as part of our savings.

I take the honourable senator's strong representations to heart. I will inform my colleagues of her views, which the honourable senator has expressed very well.

JUSTICE

FUNDING FOR LEGAL AID

Hon. Catherine S. Callbeck: Honourable senators, my question is for the Leader of the Government in the Senate.

In November 2005, the federal, provincial and territorial ministers of justice met in Whitehorse. At that meeting there was a unanimous resolution by the provincial and territorial ministers calling for an increase in federal funding for legal aid. The former federal minister acknowledged the resolution, indicating that he would pursue a comprehensive approach to legal aid at the federal level. Is this government continuing the work of the previous government regarding legal aid funding for provinces and territories?

Hon. Marjory LeBreton (Leader of the Government): I presume Senator Callbeck is referring to the former Minister of Justice in the Liberal government.

Senator Callbeck: Yes.

Senator LeBreton: I will simply take notice of the honourable senator's question and endeavour to find an answer for her.

• (1520)

Senator Callbeck: Honourable senators, I am pleased that the minister will take that issue to the Minister of Justice, but, certainly, work was done by the previous Liberal government. In fact, a week after that minister's meeting, the government of my province indicated in a Speech from the Throne that it was working with federal partners to ensure fair access to legal aid.

I think we all agree that every Canadian, regardless of financial means, deserves equal access to our justice system. Therefore, will the Leader of the Government in the Senate press this issue of increased funding for legal aid with the Minister of Justice, and will she report back to this chamber?

Senator LeBreton: I thank the honourable senator for her question. I will not press someone to do something that I have absolutely no knowledge of, so I will simply take it as notice.

[Translation]

NATIONAL DEFENCE

EQUIPMENT PROCUREMENT

Hon. Roméo Antonius Dallaire: Honourable senators, I have a question for the Minister of Defence and the Minister of Finance which I will address to the Leader of the Government in the Senate. My question has to do with the last budget and the defence minister's major announcements on the procurement of strategic aircraft for the Canadian Forces.

Back in 1987, Mr. Beatty indicated in his white paper that certain equipment had to be purchased to meet our needs and that we would finance these purchases through a process of new funding based on what was referred to at the time as the "bumps".

[English]

Therefore, the "bumps" of the 1987 white paper for major Crown projects went the same way as the measles, and the bumps of the measles on my face disappeared without any acquisition.

The Minister of National Defence indicated in the budget that these projects would come with new money. Has there been an exercise in the Department of National Defence to re-juggle the priorities of funding in the near years to take seed money from those already essential projects for the troops in the field? Did they take money from those projects to provide the seed money for the major Crown projects that will be funded, we hope, with new money in years to come?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. The issue of buying equipment for our Armed Forces is very much in the forefront. Obviously, the situation is changing, almost as we speak, in terms of what is required. I remember the honourable senator asking me this question. I believe that I got a partial answer on this question, but I will consult with the Minister of National Defence. I will draw his attention to the question.

Suffice it to say that it is well known that this government has already lived up to its commitment to strengthen our forces, both in the human resources area and in equipment. The results are already well known. In any event, I will consult the Minister of National Defence on the specific question.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table five answers to oral questions raised by Senator Dallaire on May 9, 2006, concerning the Arms Trade Treaty; by hon. Senator Fraser on May 17, 2006, concerning the public service staffing process for the position of Vice-President of the Atlantic Canada Opportunities Agency; by Senator Munson on June 6, 2006, concerning the death of former Royal Canadian Mounted Police officer Mark Bourque; by Senator Banks on June 27, 2006, concerning the cancellation of environmental programs; and by Senator Banks on June 28, 2006, concerning proposed procurement policies.

FOREIGN AFFAIRS

ARMS TRADE TREATY—
ARMS EXPORT CONTROL CRITERIA

(Response to question raised by Hon. Roméo Antonius Dallaire on May 9, 2006)

The Government of Canada (GOC) is an active voice calling for the responsible transfer of small arms and light weapons, and continues to work with our multilateral partners towards the ultimate goal of addressing the illicit trade of these weapons. The GOC is broadly supportive of the core concepts of the proposed Arms Trade Treaty (ATT). The Government will continue to work with the stakeholders of the proposed ATT to ensure that any global

principles governing the transfer of small arms and light weapons are strong enough to address the illicit trade in these weapons and are realistic enough to actually be implemented. The GOC continues to review all export authorizations regarding small arms and light weapons with the utmost scrutiny to ensure that any exports of these weapons are not diverted into illicit trade.

ATLANTIC CANADA OPPORTUNITIES AGENCY

PRINCE EDWARD ISLAND— JOB COMPETITIONS FOR REGIONAL OFFICE

(Response to question raised by Hon. Joan Fraser on May 17, 2006)

The authority to appoint someone to a position in the federal public service lies with the deputy minister of each department or agency. As such, the president of the Atlantic Canada Opportunities Agency is responsible for following a staffing process that complies with the values of equity of access, fairness and transparency.

The linguistic profiles of positions within the federal public service are determined based on the job duties. In the case of the position of ACOA Vice-President, P.E.I., an objective review of the job duties led to a recommendation of a profile that remains “English essential”, as it has been since the position was created. Following an investigation, the Commissioner of Official Languages supported this decision.

As practice dictates during the appointment of positions within the federal public service, the official responsibilities of the position were reviewed and updated before the job was posted in order to translate the agency’s current priorities and the specific needs of the regional office.

The position of ACOA Vice-President, P.E.I. was posted by the Public Service Commission (PSC) in both official languages on the public service website, www.jobs.gc.ca. Positions are rarely advertised in newspapers or other media forms. All external staffing processes are posted on the PSC website. (In rare cases, the PSC can advertise positions in newspapers or specialized publications when a unique position is difficult to fill, such as scientist.)

FOREIGN AFFAIRS

HAITI—DEATH OF FORMER ROYAL CANADIAN MOUNTED POLICE OFFICER MARK BOURQUE

(Response to question raised by Hon. Jim Munson on June 6, 2006)

The UN has already launched a criminal investigation. An investigation committee has been established, as advised by the Special Representative of the Secretary-General and Head of the United Nations Stabilization Mission in Haiti. Canadian authorities are cooperating fully with the United Nations to conduct this investigation.

The Foreign Affairs Minister immediately contacted the family and CANADEM to ensure that the family’s needs were being met, and that CANADEM could return the body as soon as possible. At the time of the incident, CANADEM — in cooperation with Foreign Affairs — made all of the necessary arrangements, including the official medical report and funeral services. CANADEM also ensured that Ms. Bourque was quickly paid the insurance sums and compensatory payments established by CANADEM for retired officers who are deployed. Until recently, CANADEM maintained regular contact with Ms. Bourque, and the family was kept up to date about Canada’s steps with the UN in order to closely monitor the work of the investigation committee.

THE ENVIRONMENT

CUTTING OF ENERGUIDE PROGRAM— COMMENTS BY MINISTER OF NATURAL RESOURCES

(Response to question raised by Hon. Tommy Banks on June 27, 2006)

The Government of Canada is developing a Made in Canada environmental plan that will include measures to reduce air pollution and greenhouse gas emissions.

As part of the development of the Made in Canada approach, we have not renewed sixteen of the previous Government’s climate change programs. The majority of these programs have finished their activities (for example, they supported specific research, pilot projects, or demonstrations). In two specific cases — the One Tonne Challenge and the EnerGuide program — we have determined that a new approach is required.

We are examining all of the Government’s current environmental initiatives to ensure they make sense and represent value for money to taxpayers. We will only pursue measures that have clear environmental benefits and that will achieve meaningful results for Canadians.

PUBLIC WORKS AND GOVERNMENT SERVICES

FEDERAL ACCOUNTABILITY BILL— PROPOSED PROCUREMENT POLICIES

(Response to question raised by Hon. Tommy Banks on June 28, 2006)

In September 2005, the Canadian Border Security Agency (CBSA) provided PWGSC with their requirements for the provision of broadband satellite communications to remote land border crossings throughout in Canada. It was necessary for the CBSA requirements to be translated into a Statement of Work, suitable for contracting through a limited competitive process that used pre-qualified suppliers of satellite services.

A competitive Request for Proposal (RFP) was released on the Government Electronic Tendering System — MERX on March 10, 2006. There were some challenges within the procurement process and minor delays in order to ensure

that all necessary security requirements were satisfied. An omnibus contract to provide for the CBSA requirements was awarded to RAM Telecommunications of Ottawa, on 30 May 2006.

Two CBSA trial sites were installed and tested at Wildhorse, Alberta and Stewart, British Columbia, on 13 and 19 June 2006, respectively. CBSA has indicated their full satisfaction with the service performance at both locations. On June 22, 2006, orders were placed by CBSA to connect four additional sites: Little Gold Creek, Yukon; Wolfe Island and Sand Point Lake, Ontario; and Chief Mountain, Alberta. The target installation date for these sites is July 2006. CBSA has indicated the likelihood of connecting another 10-15 sites.

Consistent with the reform of PWGSC acquisition processes and the Business Transformation initiative, additional capacity was provisioned, on a non-interference basis, to ensure that other Government of Canada departments and agencies requiring similar services, would be able to take advantage of this contract and benefit from the economies of scale obtained from contracting for the CBSA requirements. This additional capacity will provide other Government of Canada departments and agencies connectivity for approximately 50 remote sites.

ANSWERS TO ORDER PAPER QUESTIONS TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting delayed answers to the following written questions recorded in the Notice Paper on April 4, 2006 and raised by Senator Downe regarding the government appointment practices; on April 5, 2006 by Senator Downe regarding the guaranteed income supplement; and, on June 22 by Senator Carstairs regarding the museum assistance program.

PRIVY COUNCIL OFFICE— APPOINTMENT PRACTICES OF GOVERNMENT

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to Question 7 recorded in the Order Paper—by Senator Downe.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT— GUARANTEED INCOME SUPPLEMENT

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to Question 1 recorded in the Order Paper—by Senator Downe.

CANADIAN HERITAGE— 2005 MUSEUMS ASSISTANCE PROGRAM

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to Question 14 recorded in the Order Paper—by Senator Carstairs.

• (1525)

[English]

LIBRARY OF PARLIAMENT SCRUTINY OF REGULATIONS

MEMBERSHIP OF JOINT COMMITTEES— MESSAGE FROM COMMONS

The Hon. the Speaker informed the Senate that the following message has been received from the House of Commons:

ORDERED,—That the list of members and associate members for Standing Joint Committees of the House be as follows:

Library of Parliament

Members: Mike Allen, Gérard Asselin, Colleen Beaumier, Blaine Calkins, Joe Comuzzi, Cheryl Gallant, Peter Goldring, Gurbax Malhi, Fabian Manning, Jim Peterson, Louis Plamondon, Denise Savoie—(12)

Associate Members: Jim Abbott, Diane Ablonczy, Harold Albrecht, Dean Allison, Rob Anders, David Anderson, Vivian Barbot, Dave Batters, Carolyn Bennett, Leon Benoit, James Bezan, Steven Blaney, Sylvie Boucher, Garry Breitkreuz, Gord Brown, Patrick Brown, Rod Bruinooog, Ron Cannan, Colin Carrie, Bill Casey, Rick Casson, John Cummins, Patricia Davidson, Dean Del Mastro, Barry Devolin, Paul Dewar, Norman Doyle, Rick Dykstra, Ken Epp, Ed Fast, Brian Fitzpatrick, Steven Fletcher, Gary Goodyear, Jacques Gourde, Nina Grewal, Helena Guergis, Art Hanger, Richard Harris, Luc Harvey, Laurie Hawn, Russ Hiebert, Jay Hill, Betty Hinton, Charles Hubbard, Rahim Jaffer, Brian Jean, Randy Kamp, Gerald Keddy, Jason Kenney, Ed Komarnicki, Maka Kotto, Daryl Kramp, Mike Lake, Guy Lauzon, Pierre Lemieux, Tom Lukiwski, James Lunney, Lawrence MacAulay, Dave MacKenzie, Inky Mark, Colin Mayes, Ted Menzies, Rob Merrifield, Larry Miller, Bob Mills, James Moore, Rob Moore, Rick Norlock, Deepak Obhrai, Brian Pallister, Christian Paradis, Daniel Petit, Pierre Poilievre, Joe Preston, James Rajotte, Scott Reid, Lee Richardson, Gerry Ritz, Gary Schellenberger, Bev Shipley, Joy Smith, Kevin Sorenson, Brian Storseth, David Sweet, Myron Thompson, David Tilson, Bradley Trost, Garth Turner, Merv Tweed, Dave Van Kesteren, Peter Van Loan, Maurice Vellacott, Mike Wallace, Mark Warawa, Chris Warkentin, Jeff Watson, John Williams, Lynne Yelich

Scrutiny of Regulations

Members: Robert Bouchard, Ron Cannan, Dean Del Mastro, Paul Dewar, Ken Epp, Monique Guay, Derek Lee, John Maloney, Rick Norlock, Paul Szabo, Garth Turner, Tom Wappel—(12)

Associate Members: Jim Abbott, Diane Ablonczy, Harold Albrecht, Mike Allen, Dean Allison, Rob Anders, David Anderson, Dave Batters, Leon Benoit, James Bezan, Steven Blaney, Sylvie Boucher, Garry Breitkreuz, Gord Brown, Patrick Brown, Rod Bruinooog, Blaine Calkins,

Colin Carrie, Bill Casey, Rick Casson, John Cummins, Patricia Davidson, Barry Devolin, Norman Doyle, Rick Dykstra, Ed Fast, Brian Fitzpatrick, Steven Fletcher, Cheryl Gallant, Peter Goldring, Gary Goodyear, Jacques Gourde, Nina Grewal, Helena Guergis, Art Hanger, Richard Harris, Luc Harvey, Laurie Hawn, Russ Hiebert, Jay Hill, Betty Hinton, Rahim Jaffer, Brian Jean, Randy Kamp, Gerald Keddy, Jason Kenney, Ed Komarnicki, Daryl Kramp, Mario Laframboise, Mike Lake, Guy Lauzon, Pierre Lemieux, Tom Lukiwski, James Lunney, Dave MacKenzie, Fabian Manning, Inky Mark, Pat Martin, Colin Mayes, Réal Ménard, Serge Ménard, Ted Menzies, Rob Merrifield, Larry Miller, Bob Mills, James Moore, Rob Moore, Deepak Obhrai, Brian Pallister, Christian Paradis, Daniel Petit, Pierre Poilievre, Joe Preston, James Rajotte, Scott Reid, Lee Richardson, Gerry Ritz, Gary Schellenberger, Judy Sgro, Bev Shipley, Joy Smith, Kevin Sorenson, Bruce Stanton, Brian Storseth, David Sweet, Myron Thompson, David Tilson, Bradley Trost, Merv Tweed, Dave Van Kesteren, Peter Van Loan, Maurice Vellacott, Mike Wallace, Mark Warawa, Chris Warkentin, Judy Wasylycia-Leis, Jeff Watson, John Williams, Lynne Yelich

That a message be sent to the Senate to acquaint their Honours of the names of the Members to serve on behalf of this House on the Standing Joint Committees.

ATTEST:

AUDREY O'BRIEN
The Clerk of the House of Commons

POINT OF ORDER

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, I am ready to give my ruling on a point of order concerning the use of a third language.

Earlier this year, on Thursday, June 22, just days before the Senate adjourned for the summer, Senator Corbin rose on a point of order concerning an incident that had occurred earlier in the sitting during Senators' Statements. Before getting to the point of order, I would like to briefly review the incident.

At the start of the sitting, I had asked the chamber whether there was leave for Senator Watt to make a statement in Inuktitut. After leave was granted, Senator Watt proceeded to make his statement. Immediately thereafter, Senator Comeau rose to caution fellow senators as to what had just happened. As he explained, the Senate should be careful in consenting to requests to use a third language when it is not possible to ensure simultaneous interpretation in both official languages.

It was Senator Comeau's remarks that prompted Senator Corbin to raise his point of order, in which he sought to raise several issues. First, he claimed that his rights as a senator had been infringed because he was unable to listen to Senator Watt's statement in his mother tongue. As it turned out, the French channel was mostly silent throughout the statement, while the

English interpretation was sporadic. Second, he claimed that Senator Comeau's statement violated rule 22(4) since it anticipated debate on Senator Corbin's own Order Paper motion advocating the right of Aboriginal senators to speak their native language in this house.

Finally, he asked for a ruling as to whether Senator Watt was indeed allowed to exercise "his ancient and Aboriginal right" to speak in Inuktitut and, consequently whether the Senate must oblige and provide interpretation of Inuktitut in Canada's two official languages.

[Translation]

By way of response, Senator Comeau stated that he was prepared to leave the matter in my hands for a decision. As it appeared that no other Senator sought to contribute their views on this point of order, I then agreed to take the matter under advisement. During the summer adjournment, I have had ample opportunity to review the *Debates* as well as the procedural authorities and am prepared to give my assessment of what transpired.

Let me begin by addressing the three specific issues that Senator Corbin raised before exploring in greater detail some other aspects of the use of third languages in the Chamber. First of all, Senator Corbin's dissatisfaction with the lack of adequate translation echoes the comment that Senator Comeau made. On this point, both Senators appear to be in agreement. There is, however, a real challenge for the interpretation service when a third language is used, especially without sufficient notice. While French and English are, in law, the official languages of the country and their use in Parliament is guaranteed, no rule of the Senate prohibits the use of third languages.

• (1530)

Indeed, there is precedent for permitting the use of third languages with leave of the Senate. At the same time, it must be stressed that no resources are allocated for the provision of translators for these third languages whatever they may be.

[English]

When Senator Watt successfully obtained leave to speak in Inuktitut, he also had an English translation of his text. Unfortunately, the current configuration of the Chamber's interpretation booth does not readily permit translation of a third language simultaneously in both English and French. Even if Senator Watt had also provided a French translation, there would still have been a problem for the interpreters since both interpreters share the same booth and sit side by side. Since only one microphone can be on at a time, it is not possible for the English and French interpreters to speak at the same time. In other words, only the English *or* the French microphone can be used at any given time. This explains why the French channel was mostly silent throughout Senator Watt's statement. This is a real problem and there is no easy remedy.

Senator Corbin also contended that Senator Comeau infringed the rule against anticipation in that his comments raised issues more properly addressed through debate on Senator Corbin's motion supporting the use of aboriginal languages in this Chamber. Senator Corbin has raised a valid issue. Rule 22(4)

provides that when making a statement “a Senator shall not anticipate consideration of any Order of the Day ...” Senator Comeau himself acknowledged the fact that there was a motion before the Senate dealing with the issue of aboriginal languages. Nonetheless, I think it is fair to say that Senator Comeau did not intend to address specifically the subject of Senator Corbin’s motion which involves, in part, the recognition of “the inalienable right of the first inhabitants of the land ... to use their ancestral language ...” In fact, both Senators, as I have already noted, were concerned with the circumstances of the incident that included the difficulties which Senators experienced in the provision of interpretation of Senator Watt’s remarks.

[Translation]

The third part of Senator Corbin’s point of order had to do with his motion on the Order Paper. The Senator asked me if I thought that, when Senator Watt spoke in Inuktitut, he was in fact “exercising his ancient and Aboriginal right as a member of the Senate to speak his living language...” This is a question I decline to answer as part of the point of order. To do otherwise would inappropriately prejudge a decision which belongs to the Senate itself under the terms of the motion which the Senator has placed before this Chamber for its determination.

With respect to the broader question of the use of third languages, it might be helpful to remind honourable senators of the long tradition that we have of seeking to accommodate special needs and interests so long as it is within our capacity. This practice of reasonable accommodation involves not only requests to use a third language, but also when Senators have sometimes asked if other Senators might read their prepared speeches on their behalf because of illness. More recently, Senators will know that our reporters have applied their stenographic skills to enable real time bilingual captioning of the proceedings here in the Chamber for the benefit of hearing impaired Senators and visitors in our galleries. This captioning service is also provided to the televised proceedings of committee meetings.

[English]

If we draw on these examples, perhaps there is a way that we can reasonably accommodate senators who wish to speak in a third language. In such a case, I would recommend that an English and French translation be provided to the Senate chamber staff well in advance of the sitting to allow for distribution to all senators in the chamber in a similar way that Speaker’s rulings are distributed. Nonetheless, it is important to bear in mind that when a third language is used in the chamber, meaningful debate is rendered more difficult given that few senators, if any, will understand what is being said, and the ability to provide English and French interpretation remains a challenge. On this basis, I find that the concerns of Senators Comeau and Corbin are well founded. Senators should be able to follow all deliberations in this chamber in the official language of their choice. This does not necessarily mean that third languages can never be used. However, given the current circumstances, if they are to be used, they should be relatively brief and preferably in the form of a statement, tribute or other similar intervention, not substantive debate.

[The Hon. the Speaker]

[Translation]

In the absence of any established rules or procedures with respect to the use of third languages, the concerns shared by Senator Comeau and Senator Corbin are real. At the same time, in keeping with the principle of reasonable accommodation, I suspect the Senate will do what it can to accommodate such future requests as best it can.

ORDERS OF THE DAY

CRIMINAL CODE

BILL TO AMEND—THIRD READING— DEBATE ADJOURNED

Hon. Jean Lapointe moved the third reading of Bill S-211, to amend the Income Tax Act (lottery schemes).

He said: Honourable senators, first I would like to thank the Speaker, Senator Kirby and the members of the Standing Senate Committee on Social Affairs, Science and Technology for reviewing this bill so quickly and for reporting to us as soon as possible.

Honourable senators, for more than four years I have been striving to convince you to support this bill. I have introduced it in this chamber four times, I have appeared before our committees three times and I have been interviewed by the media from across Canada over fifty times.

I have also had the opportunity to meet with several associations that help compulsive gamblers, and interest groups that care for the suffering of individuals and families whose lives have been ruined by these infernal machines known as video lotteries.

I am somewhat saddened by how slowly the legislative process of our parliamentary system moves. Because I am an emotional person, my sadness occasionally transforms into anger because the sole focus of this bill is to diminish a social ill that affects too many of our citizens.

I know full well that one cannot change the world overnight, even if the change is for the better. My few years as a senator lead me to believe, on the basis of a number of surveys and statistics, that the goal of this bill is achievable.

• (1540)

In fact, this bill has nothing to do with prohibiting gaming. It simply seeks to relocate a form of gaming that is too accessible, too harmful and too damaging to our society, and I am thinking especially of our young people and seniors.

Honourable senators, over 70 per cent of Canadians and over 80 per cent of Quebecers support this bill. We find ourselves in a situation where the public is calling on us as the federal government. Animosity may arise between the levels of government, because agreements on gaming were reached in 1979 and 1985, giving the provinces almost complete control over gaming.

For the benefit of those who may have a problem with the federal government's intrusion into provincial affairs, I would point out that according to Canada's Constitution, gaming comes under federal jurisdiction.

[English]

Under the Constitution, the federal government has jurisdiction to legislate with respect to gaming, as an exercise of the federal criminal law power. While gaming can only be conducted and managed by a provincial government or pursuant to a licence granted by a provincial government, it is the provisions of the Criminal Code that established this arrangement.

Under the principle of parliamentary sovereignty, Parliament is free to modify the code to reassert the federal government's right. Also, it was echoed by witnesses that there will be no breach of contract if a statute is enacted to reduce or restrict provincial rights and that no such liability will arise by the introduction of a bill by the Government of Canada to achieve this end.

[Translation]

Honourable senators, in conclusion, I ask you to vote for this bill and send it to the other place today so that our elected representatives can study it and pass it in turn, which would greatly relieve the suffering of too many Canadians.

On motion of Senator Comeau, debate adjourned.

[English]

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Bryden, seconded by the Honourable Senator Baker, P.C., for the second reading of Bill S-213, to amend the Criminal Code (cruelty to animals).
—(Honourable Senator Stratton)

Hon. John G. Bryden: Honourable senators, if there are no other speakers, I am rising to close debate at second reading.

The Hon. the Speaker: I wish to inform honourable senators that, if the Honourable Senator Bryden speaks now, it will have the effect of closing the debate.

Senator Bryden: Basically, I wish to acknowledge and thank honourable senators for the cooperation and support this chamber has given to an issue that has been very difficult and very fractious over a long period of time. I had proposed an attempt at finding an accommodation that would allow what appeared to me and to many other people, including various ministers of justice, and so on, to get the most important part of this issue dealt with, namely, to increase the penalties when the offences under the Criminal Code are committed. That is what this bill does.

I want to particularly comment on the speech in support of Senator Nolin. I was not able to be here on the day that he made the speech, but I read it carefully and a number of times.

The Hon. the Speaker: Honourable senators, are you ready for the question on second reading of this bill?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Bryden, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

• (1550)

STATE OF LITERACY

INQUIRY—DEBATE ADJOURNED

Hon. Joyce Fairbairn rose pursuant to notice of June 28, 2006:

That she will call the attention of the Senate to the State of Literacy in Canada, which will give every Senator in this Chamber the opportunity to speak out on an issue in our country that is often forgotten.

She said: Honourable senators, as most of you know, the issue of literacy across this country has been at the heart of everything I have done as a member of this chamber. Today I am bringing a message to you that we need to accelerate our efforts and heighten our resolve to elevate the opportunities for our citizens who are struggling with this issue at a time when our country and all of its parts needs their skills and ability to participate in a new age with demands that go far beyond the levels of learning in the past decades.

Twenty-two years ago, I began my first Senate assignment as a member of the Special Committee on Youth, led by our former colleague Jacques Hébert. We travelled across the country at a time of tough circumstances for young Canadians and we heard it all — alcohol and drugs, teen pregnancies, family breakdown, violence, school dropouts, scarce jobs. In every region, we were stunned by something we did not expect and knew virtually nothing about, the lack of literacy skills and the enormous impediment to social and economic participation that such an absence of learning opportunity posed, to say nothing of the psychological anguish and the shame.

Senators Cools, Corbin and Stollery are the only remaining members here who participated in that journey. We produced a report called "A Plan of Action," which proposed a national campaign to improve the opportunity and the results for literacy among young people across Canada. Nothing happened and time moved on.

I was stunned by the depth of this issue and the fact that, over time, somehow the federal government had no role to play. That was not acceptable.

I decided to advocate that the federal government offer leadership to promote the benefits of improved literacy skills, working with all levels of government and public and private sectors to create a nationwide capacity to raise the levels of learning for Canadians and tackle vigorously what I believed was our country's hidden shame.

Back then, we did not even have our own statistics. We had to extrapolate from the United Nations and the American data, which indicated a level of one in five Canadians at risk. Sheer frustration sent me speaking across the country with anyone who could listen; and often some would shout out, accusing me of lying.

Thankfully, other voices became involved in 1987 when, with the help of literacy advocates across this country, I decided to bring the issue to a place where it would be heard and respected, here in the Senate of Canada, thus starting a discussion of many voices, as I hope will begin again today.

At that time, Southam News was preparing to launch the first Canadian literacy survey, introducing a process about functionality in its questions, seeking the levels of learning at which citizens could manage fundamental tasks of daily life — basic reading, writing, numeracy, communications — that others simply take for granted.

The result in its first-class report, called “Broken Words,” came out at one in four citizens at risk. This report was followed by a Statistics Canada study that produced a result of one in three Canadians at risk.

“Broken Words” shook the social conscience of the government in power. Prime Minister Brian Mulroney assigned his trusted colleague, Secretary of State David Crombie, to create an instrument of government to get a grip on this shocking situation. A year later, in September 1988, the National Literacy Secretariat, or NLS, was launched in Toronto.

Supporters like Frontier College, who had been toiling away on this stubborn issue for years, were out in force, including myself, whom the then Prime Minister cheerfully introduced as his “token Grit”, and so I was. In my view, it has remained Mr. Mulroney's finest legacy.

It was one that was rigorously carried on by Mr. Chrétien, who gave me a chance to represent the issue in his cabinet. The issue continued on a bit of a roll with Mr. Martin; and now, today, the legacy is being amalgamated into a larger entity.

It is difficult to understand why we should now change an entity that knows what it is doing and has helped to achieve real progress and understanding throughout Canada and beyond our borders. The NLS and its outstanding public servants over the years have had the skill and understanding to anchor a new nationwide process of alignment with all the provinces and territories, which has been an extraordinary vehicle of progress. The NLS has reached into every corner of Canada, where so

many citizens were in the shadows, with no programs to help them move forward and take advantage of a new chance to learn and contribute to a greater quality of life for themselves, and throughout our country.

Joint funding was created with partnerships in a variety of levels of governments in every province and territory. National literacy organizations were expanded and created to push the effort on the ground to include educators, business, large and small, organized labour, the voluntary sector, the faith community, writers, entertainers, journalists and the general public.

This support has also included politicians with years of wisdom, experience and advocacy, who are represented vigorously on both sides of this chamber. If I tried to name all of them, it would take up a whole afternoon; but they have given the Senate a strong and supportive image as activists in every province and territory in Canada, and I hope we will hear from them during this discussion.

This, senators, is an issue that crosses all party lines. We have successfully worked together to support our governments across the country and in Parliament. I have no doubt that we will continue to work together, because we have a memory that will guide us in looking closely and fairly at the changes that are taking place within the federal government on this troubling issue.

We do not want to fight about it. We want to help Minister Finley and her parliamentary secretary, Lynne Yelich, by connecting with the skills of advocates, workers and learners. With the best will in the world, mutual understanding cannot be easily routed in the corridors of Ottawa.

Some of the changes have sent waves of anxiety across the country among organizations and advocates who keep the progress of literacy alive and growing, and those of us, including myself, who have been engaged and listening to these concerns. As I said on the last day of our sitting in June when I moved the motion to begin this discussion, the new reconstruction of the Department of Human Resources and Social Development has produced changes that are not fully understood and have caused significant concern to those in our national organizations, our joint coalitions in the provinces, and among those who are actually on the ground as trainers and tutors, teaching and making a difference. The concern also extends to the learners themselves, who are very much the activists within our movement, having been inspired to come forward into the programs, which is not an easy thing to do.

The literacy movement in the last two years has been engaged, along with government, to finally respond to the report of the House of Commons Committee on Human Resources, which held a vigorous set of hearings for the first time in parliamentary history and produced a thoughtful, powerful and activist report in 2003. It was supported by members of all political parties.

In the spring budget in 2005, the previous government had chosen to significantly increase assistance across the broad span of this issue for Aboriginal people and children, who require it desperately, for immigrants' settlement needs, for workplace training and upgrading and, finally, a special increase in the budget of the National Literacy Secretariat, which, for the past 18 years, has been at the heartbeat of the literacy movement.

• (1600)

Only days before the last election, leaders from throughout the literacy movement met with federal government representatives to follow up a plan aimed at launching a pan-Canadian literacy agreement that would take this issue well beyond what we have already achieved, and other discussions had been held with people in the provinces.

In addition, a proposal was put together to place before cabinet, supporting the overall advancement of a cross-Canada plan. The proposal was to meet the ever-burgeoning demand for lifting the barriers that prevent our workers from accessing the kind of opportunities that can open doors at every level. The proposal was to give Canadians a fair chance to learn, to get a job, and to build a good life for themselves and for their families. The proposal reflected the recommendation of the House committee and the money required to make it work.

At the moment, our national literacy associations are in a state of anxiety about their future. Although funding for programs is moving, for some it is late — the Aboriginal association in Canada is barely able to keep its doors open with a volunteer.

In the case of the Movement for Canadian Literacy, the resources that support the annual Literacy Action Day on Parliament Hill have not yet been received and the date to meet with parliamentarians has shifted into another month. Voices from the provinces and territories are deeply concerned that the federal effort to join learning programs under one roof will end up shutting doors in their communities. They do not understand how the new adult learning Essential Skills and Workplace Literacy Initiative program will replace the skill and the wisdom of the National Literacy Secretariat, which knew the issue and had the connections to deal with it on the ground, on behalf of our federal government. The secretariat is now embodied in the larger entity but it is not clear to what degree it will continue its role.

I do not stand here today to obstruct any government. Like many Canadians in the literacy business I do not understand how the new combined entity will work. With all the large issues of each day, the focus on this issue could easily be lost in the rush. I stand here today to urge that we open the doors and windows of Ottawa, take a deep breath, carefully consider the concerns of our partners and form a common front to bring down this horrendous barrier that causes 42 per cent of our adult citizens in Canada to be at risk every day. These citizens are at risk from the lack of an ability to cope with the kind of reading, writing, numeracy and communications skills that the rest of us take for granted in today's world.

We simply have to work together, and I know we will do that in this chamber. Without the foundation of appropriate skills, lack of literacy becomes a daily barrier for adults who cannot help their children at their earliest age. It becomes a barrier for workers; for seniors at risk with health care needs; and for the overall economy of our country in dollars because we lose millions, even billions, as a result of the added cost through lack of skills and the unintended problems they cause in what we think of as a prosperous and caring country. We bring down the prospects for a future if we do not accelerate our support in a fair and generous way.

Surely we can all work together with goodwill and commitment to erase what I still believe is our hidden shame. I hope that all who share these concerns will join in this debate to send the message that literacy needs resources, continuing support and guidance from those in the old National Literacy Secretariat, wherever they are. These people have the skills and experience to understand it best.

I look forward to hearing your thoughts and I thank you for your support and participation. I believe there is not one person in this chamber that is not pulling for the same cause, the same people and the same future as I am.

On motion of Senator Segal debate adjourned.

CONFLICT OF INTEREST FOR SENATORS

COMMITTEE AUTHORIZED TO ENGAGE SERVICES

Hon. Serge Joyal, pursuant to notice of June 28, 2006, moved:

That the Standing Senate Committee on Conflict of Interest for Senators have power to engage the services of such counsel, technical, clerical, and other personnel as may be necessary for the purpose of its examination and consideration of such matters as are referred to it by the Senate, or which come before it as per the *Conflict of Interest Code for Senators*.

He said: Honourable senators, I do not need to explain because this motion is a standard one for any committee to receive authorization to hire the technical, professional and clerical staff as needed for the consideration of matters referred to it by the Senate for study.

Motion agreed to.

COMMITTEE AUTHORIZED TO REFER DOCUMENTS FROM PREVIOUS PARLIAMENT TO CURRENT SESSION

Hon. Serge Joyal, pursuant to notice of June 28, 2006, moved:

That the papers and documents received and/or produced by the Standing Committee on Conflict of Interest during the First Session of the Thirty-eighth Parliament and the Intersessional Authority during the period following dissolution of the 38th Parliament, be referred to the Standing Senate Committee on Conflict of Interest for Senators.

He said: Honourable senators, I have a word of explanation for this simple issue. The Senate Standing Committee on Conflict of Interest for Senators is the only committee whose existence between the session of two Parliaments is formally confirmed under the *Rules of the Senate*. In other words, when Parliament is dissolved, there has to be an "authority" to remain charged with the responsibility of implementing the conflict of interest code because an issue of conflict of interest might arise in the interim of two Parliaments. The *Rules of the Senate* provide for the establishment of an Intersessional Authority that sits during the period of time between two Parliaments. The committee met during the previous Parliament and this new Parliament, and

minutes and documentation of the meetings were produced. Those minutes and documentation of the authority should be referred to the current Standing Committee on Conflict of Interest for Senators to provide a link between the former Senate standing committee and the new Senate standing committee that was formed in this Parliament. It is merely an administrative issue to ensure we can refer to the documentation and information provided by the Intersessional Authority.

The Hon the Speaker *pro tempore*: Honorable senators, is it your pleasure to adopt the motion?

Motion agreed to.

The Senate adjourned until Wednesday, September 27, 2006, at 1:30 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

The Honourable Noël A Kinsella

THE LEADER OF THE GOVERNMENT

The Honourable Marjory LeBreton, P.C.

THE LEADER OF THE OPPOSITION

The Honourable Daniel Hays

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Paul Bélisle

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Terrance J. Christopher

THE MINISTRY

(In order of precedence)

(September 26, 2006)

The Right Hon. Stephen Joseph Harper	Prime Minister
The Hon. Robert Douglas Nicholson	Leader of the Government in the House of Commons and Minister for Democratic Reform
The Hon. David Emerson	Minister of International Trade and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics
The Hon. Jean-Pierre Blackburn	Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec
The Hon. Gregory Francis Thompson	Minister of Veterans Affairs
The Hon. Marjory LeBreton	Leader of the Government in the Senate
The Hon. Monte Solberg	Minister of Citizenship and Immigration
The Hon. Chuck Strahl	Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board
The Hon. Gary Lunn	Minister of Natural Resources
The Hon. Peter Gordon MacKay	Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency
The Hon. Loyola Hearn	Minister of Fisheries and Oceans
The Hon. Stockwell Day	Minister of Public Safety
The Hon. Carol Skelton	Minister of National Revenue and Minister of Western Economic Diversification
The Hon. Vic Toews	Minister of Justice and Attorney General of Canada
The Hon. Rona Ambrose	Minister of the Environment
The Hon. Michael D. Chong	President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister for Sport
The Hon. Diane Finley	Minister of Human Resources and Social Development
The Hon. Gordon O'Connor	Minister of National Defence
The Hon. Beverley J. Oda	Minister of Canadian Heritage and Status of Women
The Hon. Jim Prentice	Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians
The Hon. John Baird	President of the Treasury Board
The Hon. Maxime Bernier	Minister of Industry
The Hon. Lawrence Cannon	Minister of Transport, Infrastructure and Communities
The Hon. Tony Clement	Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario
The Hon. James Michael Flaherty	Minister of Finance
The Hon. Josée Verner	Minister of International Cooperation and Minister for La Francophonie and Official Languages
The Hon. Michael Fortier	Minister of Public Works and Government Services

SENATORS OF CANADA

ACCORDING TO SENIORITY

(September 26, 2006)

Senator	Designation	Post Office Address
THE HONOURABLE		
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
Michael Kirby	South Shore	Halifax, N.S.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuaq, Que.
Daniel Hays	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.
Mira Spivak	Manitoba	Winnipeg, Man.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Saulnierville, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.
J. Trevor Eyton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
Janis G. Johnson	Winnipeg-Interlake	Gimli, Man.
A. Raynell Andreychuk	Saskatchewan	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton, P.C.	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs, P.C.	Manitoba	Winnipeg, Man.
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	Tracadie	Bathurst, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.
Lorna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.

Senator	Designation	Post Office Address
Wilfred P. Moore	Stanhope St./Bluenose	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Joan Cook	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
Francis William Mahovlich	Toronto	Toronto, Ont.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
Ione Christensen	Yukon	Whitehorse, Yukon
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Jean Lapointe	Saurel	Magog, Que.
Gerard A. Phalen	Nova Scotia	Glace Bay, N.S.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
Michel Biron	Mille Isles	Nicolet, Que.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
Raymond Lavigne	Montarville	Verdun, Que.
David P. Smith, P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Mac Harb	Ontario	Ottawa, Ont.
Marilyn Trenholme Counsell	New Brunswick	Sackville, N.B.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.
Claudette Tardif	Alberta	Edmonton, Alta.
Grant Mitchell	Alberta	Edmonton, Alta.
Elaine McCoy	Alberta	Calgary, Alta.
Robert W. Peterson	Saskatchewan	Regina, Sask.
Lillian Eva Dyck	Saskatchewan	Saskatoon, Sask.
Art Eggleton, P.C.	Ontario	Toronto, Ont.
Nancy Ruth	Cluny	Toronto, Ont.
Romeo Antonius Dallaire	Gulf	Sainte-Foy, Que.
James S. Cowan	Nova Scotia	Halifax, N.S.
Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe, Que.
Hugh Segal	Kingston-Frontenac-Leeds	Kingston, Ont.
Larry W. Campbell	British Columbia	Vancouver, B.C.
Rod A.A. Zimmer	Manitoba	Winnipeg, Man.
Dennis Dawson	Lauzon	Sainte-Foy, Que.
Yoine Goldstein	Rigaud	Montreal, Que.
Francis Fox, P.C.	Victoria	Montreal, Que.
Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations, N.B.
Michael Fortier, P.C.	Rougemont	Town of Mount Royal, Que.

SENATORS OF CANADA

ALPHABETICAL LIST

(September 26, 2006)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Liberal
Andreychuk, A. Raynell	Saskatchewan	Regina, Sask.	Conservative
Angus, W. David	Alma	Montreal, Que.	Conservative
Atkins, Norman K.	Markham	Toronto, Ont.	Progressive Conservative
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Liberal
Bacon, Lise	De la Durantaye	Laval, Que.	Liberal
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Liberal
Banks, Tommy	Alberta	Edmonton, Alta.	Liberal
Biron, Michel	Mille Isles	Nicolet, Que.	Liberal
Bryden, John G.	New Brunswick	Bayfield, N.B.	Liberal
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Liberal
Campbell, Larry W.	British Columbia	Vancouver, B.C.	Liberal
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	Conservative
Carstairs, Sharon, P.C.	Manitoba	Winnipeg, Man.	Liberal
Champagne, Andrée, P.C.	Grandville	Saint-Hyacinthe, Que.	Conservative
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Liberal
Christensen, Ione	Yukon	Whitehorse, Yukon	Liberal
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.	Conservative
Comeau, Gerald J.	Nova Scotia	Saulnierville, N.S.	Conservative
Cook, Joan	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	Conservative
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Liberal
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Liberal
Cowan, James S.	Nova Scotia	Halifax, N.S.	Liberal
Dallaire, Roméo Antonius	Gulf	Sainte-Foy, Que.	Liberal
Dawson, Dennis	Lauzon	Ste-Foy, Que.	Liberal
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Liberal
De Bané, Pierre, P.C.	De la Vallière	Montreal, Que.	Liberal
Di Nino, Consiglio	Ontario	Downsview, Ont.	Conservative
Downe, Percy	Charlottetown	Charlottetown, P.E.I.	Liberal
Dyck, Lillian Eva	Saskatchewan	Saskatoon, Sask.	New Democrat
Eggleton, Art, P.C.	Ontario	Toronto, Ont.	Liberal
Eyton, J. Trevor	Ontario	Caledon, Ont.	Conservative
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Liberal
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Liberal
Fortier, Michael, P.C.	Rougemont	Town of Mount Royal, Que.	Conservative
Fox, Francis, P.C.	Victoria	Montreal, Que.	Liberal
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Liberal
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Gill, Aurélien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Liberal
Goldstein, Yoine	Rigaud	Montreal, Que.	Liberal
Grafstein, Jerahmiel S.	Metro Toronto	Toronto, Ont.	Liberal
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	Conservative
Harb, Mac	Ontario	Ottawa, Ont.	Liberal
Hays, Daniel	Calgary	Calgary, Alta.	Liberal
Hervieux-Payette, Céline, P.C.	Bedford	Montreal, Que.	Liberal
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Liberal
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Liberal

Senator	Designation	Post Office Address	Political Affiliation
Johnson, Janis G.	Winnipeg-Interlake	Gimli, Man.	Conservative
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Liberal
Kenny, Colin	Rideau	Ottawa, Ont.	Liberal
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	Conservative
Kinsella, Noël A., <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.	Conservative
Kirby, Michael	South Shore	Halifax, N.S.	Liberal
Lapointe, Jean	Saurel	Magog, Que.	Liberal
Lavigne, Raymond	Montarville	Verdun, Que.	Liberal
LeBreton, Marjory, P.C.	Ontario	Manotick, Ont.	Conservative
Losier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Liberal
Lovelace Nicholas, Sandra	New Brunswick	Tobique First Nations, N.B.	Liberal
Mahovlich, Francis William	Toronto	Toronto, Ont.	Liberal
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Liberal
McCoy, Elaine	Alberta	Calgary, Alta.	Progressive Conservative
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	Conservative
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Liberal
Merchant, Pana	Saskatchewan	Regina, Sask.	Liberal
Milne, Lorna	Peel County	Brampton, Ont.	Liberal
Mitchell, Grant	Alberta	Edmonton, Alta.	Liberal
Moore, Wilfred P.	Stanhope St./Bluenose	Chester, N.S.	Liberal
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Liberal
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	Progressive Conservative
Nancy Ruth.	Cluny	Toronto, Ont.	Conservative
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	Conservative
Oliver, Donald H.	Nova Scotia	Halifax, N.S.	Conservative
Pépin, Lucie	Shawinigan	Montreal, Que.	Liberal
Peterson, Robert W.	Saskatchewan	Regina, Sask.	Liberal
Phalen, Gerard A.	Nova Scotia	Glace Bay, N.S.	Liberal
Pitfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Independent
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Liberal
Poy, Vivienne	Toronto	Toronto, Ont.	Liberal
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Independent
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Liberal
Rivest, Jean-Claude	Stadacona	Quebec, Que.	Independent
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Liberal
Rompkey, William H., P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.	Liberal
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	Conservative
Segal, Hugh	Kingston-Frontenac-Leeds	Kingston, Ont.	Conservative
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Liberal
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Liberal
Spivak, Mira	Manitoba	Winnipeg, Man.	Independent
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Liberal
Stratton, Terrance R.	Red River	St. Norbert, Man.	Conservative
Tardif, Claudette	Alberta	Edmonton, Alta.	Liberal
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	Conservative
Trenholme Counsell, Marilyn	New Brunswick	Sackville, N.B.	Liberal
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Liberal
Zimmer, Rod A.A.	Manitoba	Winnipeg, Man.	Liberal

SENATORS OF CANADA

BY PROVINCE AND TERRITORY

(September 26, 2006)

ONTARIO—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Lowell Murray, P.C.	Pakenham	Ottawa
2 Peter Alan Stollery	Bloor and Yonge	Toronto
3 Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4 Jeremiah S. Grafstein	Metro Toronto	Toronto
5 Anne C. Cools	Toronto Centre-York	Toronto
6 Colin Kenny	Rideau	Ottawa
7 Norman K. Atkins	Markham	Toronto
8 Consiglio Di Nino	Ontario	Downsview
9 John Trevor Eyton	Ontario	Caledon
10 Wilbert Joseph Keon	Ottawa	Ottawa
11 Michael Arthur Meighen	St. Marys	Toronto
12 Marjory LeBreton, P.C.	Ontario	Manotick
13 Lorna Milne	Peel County	Brampton
14 Marie-P. Poulin	Northern Ontario	Ottawa
15 Francis William Mahovlich	Toronto	Toronto
16 Vivienne Poy	Toronto	Toronto
17 David P. Smith, P.C.	Cobourg	Toronto
18 Mac Harb	Ontario	Ottawa
19 Jim Munson	Ottawa/Rideau Canal	Ottawa
20 Art Eggleton, P.C.	Ontario	Toronto
21 Nancy Ruth	Cluny	Toronto
22 Hugh Segal	Kingston-Frontenac-Leeds	Kingston
23		
24		

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Charlie Watt	Inkerman	Kuujuuaq
2 Pierre De Bané, P.C.	De la Vallière	Montreal
3 Jean-Claude Rivest	Stadacona	Quebec
4 Marcel Prud'homme, P.C.	La Salle	Montreal
5 W. David Angus	Alma	Montreal
6 Pierre Claude Nolin	De Salaberry	Quebec
7 Lise Bacon	De la Durantaye	Laval
8 Céline Hervieux-Payette, P.C.	Bedford	Montreal
9 Lucie Pépin	Shawinigan	Montreal
10 Serge Joyal, P.C.	Kennebec	Montreal
11 Joan Thorne Fraser	De Lorimier	Montreal
12 Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
13 Jean Lapointe	Saurel	Magog
14 Michel Biron	Milles Isles	Nicolet
15 Raymond Lavigne	Montarville	Verdun
16 Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire
17 Roméo Antonius Dallaire	Gulf	Sainte-Foy
18 Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe
19 Dennis Dawson	Lauzon	Ste-Foy
20 Yoine Goldstein	Rigaud	Montreal
21 Francis Fox, P.C.	Victoria	Montreal
22 Michael Fortier, P.C.	Rougemont	Town of Mount Royal
23		
24		

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Michael Kirby	South Shore	Halifax
2 Gerald J. Comeau	Nova Scotia	Saulnierville
3 Donald H. Oliver	Nova Scotia	Halifax
4 Wilfred P. Moore	Stanhope St./Bluenose	Chester
5 Jane Cordy	Nova Scotia	Dartmouth
6 Gerard A. Phalen	Nova Scotia	Glace Bay
7 Terry M. Mercer	Northend Halifax	Caribou River
8 James S. Cowan	Nova Scotia	Halifax
9		
10		

NEW BRUNSWICK—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Eymard Georges Corbin	Grand-Sault	Grand-Sault
2 Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton
3 John G. Bryden	New Brunswick	Bayfield
4 Rose-Marie Losier-Cool	Tracadie	Bathurst
5 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
6 Joseph A. Day	Saint John-Kennebecasis, New Brunswick	Hampton
7 Pierrette Ringuette	New Brunswick	Edmundston
8 Marilyn Trenholme Counsell	New Brunswick	Sackville
9 Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations
10		

PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
2 Elizabeth M. Hubley	Prince Edward Island	Kensington
3 Percy Downe	Charlottetown	Charlottetown
4		

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Mira Spivak	Manitoba	Winnipeg
2 Janis G. Johnson	Winnipeg-Interlake	Gimli
3 Terrance R. Stratton	Red River	St. Norbert
4 Sharon Carstairs, P.C.	Manitoba	Winnipeg
5 Maria Chaput	Manitoba	Sainte-Anne
6 Rod A.A. Zimmer	Manitoba	Winnipeg

BRITISH COLUMBIA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Jack Austin, P.C.	Vancouver South	Vancouver
2 Pat Carney, P.C.	British Columbia	Vancouver
3 Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge
4 Ross Fitzpatrick	Okanagan-Similkameen	Kelowna
5 Mobina S.B. Jaffer	British Columbia	North Vancouver
6 Larry W. Campbell	British Columbia	Vancouver

SASKATCHEWAN—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 A. Raynell Andreychuk	Saskatchewan	Regina
2 Leonard J. Gustafson	Saskatchewan	Macoun
3 David Tkachuk	Saskatchewan	Saskatoon
4 Pana Merchant	Saskatchewan	Regina
5 Robert W. Peterson	Saskatchewan	Regina
6 Lillian Eva Dyck	Saskatchewan	Saskatoon

ALBERTA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Daniel Hays	Calgary	Calgary
2 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
3 Tommy Banks	Alberta	Edmonton
4 Claudette Tardif	Alberta	Edmonton
5 Grant Mitchell	Alberta	Edmonton
6 Elaine McCoy	Alberta	Calgary

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Ethel Cochrane	Newfoundland and Labrador	Port-au-Port
2 William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador
3 Joan Cook	Newfoundland and Labrador	St. John's
4 George Furey	Newfoundland and Labrador	St. John's
5 George S. Baker, P.C.	Newfoundland and Labrador	Gander
6		

NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Willie Adams	Nunavut	Rankin Inlet

YUKON—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Ione Christensen	Yukon	Whitehorse

ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of September 26, 2006)

*Ex Officio Member

ABORIGINAL PEOPLES

Chair: Honourable Senator St. Germain

Deputy Chair: Honourable Senator Sibbeston

Honourable Senators:

Campbell,	Gill,	* LeBreton,	Segal,
Dyck,	Gustafson,	(or Comeau)	Sibbeston,
* Hays,	Hubley,	Lovelace Nicholas,	St. Germain,
(or Fraser)		Peterson,	Watt.

Original Members as nominated by the Committee of Selection

*Campbell, Dyck, *Hays (or Fraser), Gill, Gustafson, Hubley, *LeBreton, (or Comeau),
Lovelace Nicholas, Peterson, Segal, Sibbeston, St. Germain, Watt, Zimmer*

AGRICULTURE AND FORESTRY

Chair: Honourable Senator Fairbairn

Deputy Chair: Honourable Senator Gustafson

Honourable Senators:

Callbeck,	Gustafson	Mercer,	Peterson,
Christensen,	* LeBreton,	Mitchell,	Segal,
Fairbairn,	(or Comeau)	Oliver,	Tkachuk.
* Hays,	Mahovlich		
(or Fraser)			

Original Members as nominated by the Committee of Selection

*Callbeck, Christensen, Fairbairn, *Hays (or Fraser), Gustafson, *LeBreton, (or Comeau),
Mahovlich, Mercer, Mitchell, Oliver, Pépin, Peterson, Segal, Tkachuk.*

BANKING, TRADE AND COMMERCE

Chair: Honourable Senator Grafstein

Deputy Chair: Honourable Senator Angus

Honourable Senators:

Angus,	* Hays,	Harb,	Massicotte,
Biron,	(or Fraser)	Hervieux-Payette,	Meighen,
Eyton,	Goldstein,	* LeBreton,	Moore,
Fitzpatrick,	Grafstein,	(or Comeau)	Tkachuk.

Original Members as nominated by the Committee of Selection

*Angus, Biron, Eyton, Fitzpatrick, *Hays (or Fraser), Goldstein, Grafstein, Harb, Hervieux-Payette,
LeBreton, (or Comeau), Massicotte, Meighen, Moore, Tkachuk.

CONFLICT OF INTEREST FOR SENATORS

Chair: Honourable Senator Joyal

Deputy Chair: Honourable Senator Andreychuk

Honourable Senators:

Andreychuk,	Carstairs,	* Hays,	* LeBreton,
Angus,		(or Fraser)	(or Comeau)
		Joyal,	Robichaud.

Original Members as nominated by the Committee of Selection

*Andreychuk, Angus, Carstairs, *Hays (or Fraser),
Joyal, *LeBreton, (or Comeau), Robichaud.*

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

Chair: Honourable Senator Banks

Deputy Chair: Honourable Senator Cochrane

Honourable Senators:

Angus,	Fox,	Kenny,	Milne,
Banks,	* Hays,	Lavigne,	Sibbeston,
Carney,	(or Fraser)	* LeBreton,	Spivak,
Cochrane,	Hervieux-Payette,	(or Comeau)	Tardif.

Original Members as nominated by the Committee of Selection

*Angus, Banks, Carney, Cochrane, Fox, *Hays (or Fraser), Hervieux-Payette, Lavigne,
LeBreton, (or Comeau), Milne, Peterson, Sibbeston, Spivak, Tardif.

FISHERIES AND OCEANS

Chair: Honourable: Senator Rompkey

Deputy Chair: Honourable Senator Johnson

Honourable Senators:

Adams,	Cowan,	Hubley,	Meighen,
Baker,	* Hays,	Johnson,	Rompkey,
Campbell,	(or Fraser)	* LeBreton,	Watt.
Cochrane,	Gill,	(or Comeau)	
Comeau,			

Original Members as nominated by the Committee of Selection

*Adams, Baker, Campbell, Comeau, Cowan, Forrestall, *Hays (or Fraser), Gill, Hubley, Johnson,
LeBreton, (or Comeau), Meighen, Rompkey, Watt.

FOREIGN AFFAIRS

Chair: Honourable Senator Segal

Deputy Chair: Honourable Senator Stollery

Honourable Senators:

Andreychuk,	Di Nino,	* LeBreton,	Segal,
Corbin,	Downe,	(or Comeau)	Smith,
Dawson,	Eyton,	Mahovlich,	Stollery.
De Bané,	* Hays,	Merchant,	
	(or Fraser)		

Original Members as nominated by the Committee of Selection

*Andreychuk, Corbin, Dawson, De Bané, Di Nino, Downe, *Hays (or Fraser),
LeBreton, (or Comeau), Mahovlich, Merchant, Segal, Smith, St. Germain, Stollery.

HUMAN RIGHTS

Chair: Honourable Senator Andreychuk

Deputy Chair: Honourable Senator Carstairs

Honourable Senators:

Andreychuk,	* Hays,	* LeBreton,	Nancy Ruth,
Carstairs,	(or Fraser)	(or Comeau)	Pépin,
Dallaire,	Kinsella,	Lovelace Nicholas,	Poy.
		Munson,	

Original Members as nominated by the Committee of Selection

*Andreychuk, Carstairs, Dallaire, *Hays (or Fraser), Kinsella,
LeBreton, (or Comeau), Lovelace Nicholas, Munson, Nancy Ruth, Pépin, Poy.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chair: Honourable Senator Furey

Deputy Chair: Honourable Senator Nolin

Honourable Senators:

Comeau,	* Hays,	* LeBreton,	Poulin,
Cook,	(or Fraser)	(or Comeau)	Prud'homme,
Downe,	Jaffer,	Massicotte,	Robichaud,
Furey,	Kenny,	Nolin,	Stollery,
	Kinsella,	Phalen,	Stratton.

Original Members as nominated by the Committee of Selection

*Banks, Cook, Day, De Bané, Di Nino, Furey, *Hays, P.C (or Fraser), Jaffer, Kenny, Keon,
LeBreton, (or Comeau), Lynch-Staunton, Massicotte, Nolin, Poulin, Robichaud, Stratton.

LEGAL AND CONSTITUTIONAL AFFAIRS

Chair: Honourable Senator Oliver

Deputy Chair: Honourable Senator Milne

Honourable Senators:

Andreychuk,	Day,	* LeBreton,	Oliver,
Baker,	* Hays,	(or Comeau)	Rivest,
Campbell,	(or Fraser)	Milne,	Stratton,
Cowan,	Joyal,	Nolin,	Zimmer.

Original Members as nominated by the Committee of Selection

*Andreychuk, Baker, Bryden, Cools, Furey, *Hays (or Fraser), Jaffer, Joyal,
LeBreton, (or Comeau), Milne, Nolin, Oliver, Ringuette, Rivest.

LIBRARY OF PARLIAMENT (Joint)

Joint Chair: Honourable Senator

Honourable Senators:

Johnson,	Oliver,	Poy,	Trenholme Counsell.
Lapointe,			

Original Members agreed to by Motion of the Senate

Johnson, Lapointe, Oliver, Poy, Trenholme Counsell.

NATIONAL FINANCE

Chair: Honourable Senator Day

Deputy Chair: Honourable Senator Cools

Honourable Senators:

Biron,	Eggleton,	* LeBreton,	Nancy Ruth,
Cowan,	Fox,	(or Comeau)	Ringuette,
Day,	* Hays,	Mitchell,	Rompkey,
Di Nino,	(or Fraser)	Murray,	Stratton.

Original Members as nominated by the Committee of Selection

*Biron, Cools, Cowan, Day, Eggleton, Fox, *Hays (or Fraser),
LeBreton, (or Comeau), Mitchell, Murray, Nancy Ruth, Ringuette, Rompkey, Stratton.

NATIONAL SECURITY AND DEFENCE

Chair: Honourable Senator Kenny

Deputy Chair: Honourable Senator

Honourable Senators:

Atkins,	Day,	Kenny,	Moore,
Banks,	* Hays,	* LeBreton,	Poulin,
Campbell,	(or Fraser)	(or Comeau)	St. Germain.
		Meighen,	

*Original Members as nominated by the Committee of Selection**Atkins, Banks, Campbell, Day, Forrestall, *Hays (or Fraser), Kenny,
LeBreton, (or Comeau), Meighen, Poulin, Watt.

VETERANS AFFAIRS

(Subcommittee of National Security and Defence)

Chair: Honourable Senator Meighen

Deputy Chair: Honourable Senator Day

Honourable Senators:

Atkins,	* Hays,	* LeBreton,	Meighen.
Day,	(or Fraser)	(or Comeau)	
Forrestall,	Kenny,		

OFFICIAL LANGUAGES

Chair: Honourable Senator Chaput

Deputy Chair: Honourable Senator Champagne

Honourable Senators:

Champagne,	* Hays,	* LeBreton,	Robichaud,
Chaput,	(or Fraser)	(or Comeau)	Tardif,
Comeau,	Jaffer,	Losier-Cool,	Trenholme Counsell.

*Original Members as nominated by the Committee of Selection**Champagne, Chaput, Comeau, *Hays (or Fraser), Jaffer, *LeBreton, (or Comeau),
Losier-Cool, Plamondon, Robichaud, Tardif, Trenholme Counsell.*

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

Chair: Honourable Senator Di Nino

Deputy Chair: Honourable Senator Smith

Honourable Senators:

Andreychuk,	* Hays,	* LeBreton,	Robichaud,
Bryden,	(or Fraser)	(or Comeau)	Smith,
Corbin,	Joyal,	Losier-Cool,	Stratton,
Cordy,	Keon,	McCoy,	Tardif.
Di Nino,		Mitchell,	

Original Members as nominated by the Committee of Selection

*Andreychuk, Bryden, Carstairs, Cools, Corbin, Cordy, Di Nino, *Hays (or Fraser), Joyal,
*LeBreton, (or Comeau), Losier-Cool, McCoy, Mitchell, Robichaud,
Smith, Stratton, Tardif.*

SCRUTINY OF REGULATIONS (Joint)

Joint Chair: Honourable Eyton

Vice-Chair:

Honourable Senators:

Biron,	De Bané,	Harb,	Nolin,
Bryden,	Eyton,	Moore,	St. Germain.

Original Members as agreed to by Motion of the Senate

Biron, Bryden, De Bané, Eyton, Harb, Moore, Nolin, St. Germain,

SELECTION

Chair: Honourable Senator Stratton

Deputy Chair: Honourable Senator Cook

Honourable Senators:

Austin,	Cook,	* LeBreton,	Stratton,
Bacon,	Fairbairn,	(or Comeau)	Tkachuk.
Carstairs,	* Hays,	Oliver,	
Champagne,	(or Fraser)		

Original Members agreed to by Motion of the Senate

*Austin, Bacon, Carstairs, Champagne, Cook, Fairbairn,
*Hays (or Fraser), *LeBreton, (or Comeau) Oliver, Stratton, Tkachuk.*

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

Chair: Honourable Senator Kirby

Deputy Chair: Honourable Senator Keon

Honourable Senators:

Callbeck,	Cordy,	* Hays,	* LeBreton,
Champagne,	Eggleton,	(or Fraser)	(or Comeau)
Cochrane,	Fairbairn,	Keon,	Nancy Ruth,
Cook,		Kirby,	Pépin,
			Trenholme Counsell.

Original Members as nominated by the Committee of Selection

*Callbeck, Champagne, Cochrane, Cook, Cordy, Eggleton, Fairbairn, Forrester,
*Hays (or Fraser), Keon, Kirby, *LeBreton, (or Comeau), Pépin, Trenholme Counsell.*

TRANSPORT AND COMMUNICATIONS

Chair: Honourable Senator Bacon

Deputy Chair: Honourable Senator Tkachuk

Honourable Senators:

Adams,	Eyton,	* LeBreton,	Munson,
Bacon,	* Hays,	(or Comeau)	Phalen,
Carney,	(or Fraser)	Mercer,	Tkachuk,
Dawson,	Johnson,	Merchant,	Zimmer.

Original Members as nominated by the Committee of Selection

*Adams, Bacon, Carney, Dawson, Eyton, *Hays (or Fraser), Johnson,
LeBreton, (or Comeau), Mercer, Merchant, Munson, Phalen, Tkachuk, Zimmer.

THE SPECIAL SENATE COMMITTEE ON THE ANTI-TERRORISM ACT

Chair: Honourable Senator Smith

Deputy Chair: Honourable Senator Nolin

Honourable Senators:

Andreychuk,	* Hays,	Joyal,	Nolin,
Day,	(or Fraser)	Kinsella,	Smith.
Fairbairn,	Jaffer,	* LeBreton,	
Fraser,		(or Comeau)	

Original Members as nominated by the Committee of Selection

*Andreychuk, Day, Fairbairn, Fraser, Hays (or Fraser), Jaffer, Joyal,
Kinsella, *LeBreton, (or Comeau), Nolin, Smith.*

THE SPECIAL SENATE COMMITTEE ON THE SENATE REFORM**Chair: Honourable Senator Hays****Deputy Chair: Honourable Senator Angus****Honourable Senators:**

Angus,
Chaput,
Dawson,
Fraser,

* Hays,
(or Fraser)
Hubley,

* LeBreton,
(or Comeau)
Murray,

Munson,
Segal,
Tkachuk,
Watt.

Original Members as nominated by the Committee of Selection

*Adams, Andreychuk, Angus, Austin, Bacon, Baker, Banks, Biron
Carney, *Hays (or Fraser), *LeBreton, (or Comeau), Murray.*

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Debates of the Senate

1st SESSION

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39th PARLIAMENT

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VOLUME 143

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NUMBER 31

OFFICIAL REPORT
(HANSARD)

Wednesday, September 27, 2006

—◆—
THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Wednesday, September 27, 2006

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

THE HONOURABLE MADELEINE PLAMONDON

TRIBUTE

Hon. Francis William Mahovlich: Honourable senators, I would like to thank my fellow senators on all sides of this chamber who took the time to write and phone me during my recent medical challenges. Your encouragement helped my speedy recovery. A word of advice, if I may: After 68 years, avoid all ladders.

I would like to take a moment to speak about our former colleague, Senator Madeleine Plamondon. Of all the questions that have been brought up, one that stood out in my mind was presented by Senator Plamondon. She asked, what are our priorities in this Senate?

All of a sudden, my ears perked up. I am not sure if she received the correct answer, but since Biblical times, priorities have been the fishes and the loaves, which are the committees on fisheries and agriculture.

I hope she can go home with that answer.

THE LATE HONOURABLE J. MICHAEL FORRESTALL

Hon. Terry Stratton (Acting Deputy Leader of the Government): Honourable senators, I rise today in honour of our friend and former colleague, Michael Forrestall, a man from Deep Brook, a small town in Nova Scotia, who went on to do great things for this nation.

He started out as a journalist for *The Chronicle Herald* in Halifax, but soon switched to a career in politics. In 1965, at the age of 33, he ran in and won the federal riding of Halifax, beginning a career that lasted until he died last June.

He won the same seat seven times, a remarkable accomplishment by any measure. Within two years of the 1988 election, the only one he ever lost, Michael Forrestall earned the title of "senator" when he was appointed to this chamber by the Right Honourable Brian Mulroney.

In all, Senator Forrestall served the people of Canada as a parliamentarian for 38 years, eight months and 24 days. If he were with us, he would have celebrated 39 years on the Hill on this day.

Soon after Senator Forrestall was elected in the other place, he was given the position of defence critic for the Progressive Conservative opposition, the job he held until 1979. He was a voice for the veterans of Canada's Merchant Navy, and he played a key role in the recognition of the Merchant Navy war veterans of the Second World War. They were the forgotten arm of the

Canadian Forces, often made up of boys too young to enlist. Their sacrifice kept the Atlantic lifeline intact, contributing significantly to the allied victory.

[Translation]

As you know, Senator Forrestall took a special interest in health- and heritage-related issues. He introduced a private bill to develop a national cancer research strategy. He also worked for the protection and maintenance of heritage lighthouses.

[English]

Senator Forrestall was someone who toiled unceasingly for the people of Halifax-Dartmouth and, indeed, for all the people of Canada. He truly died in the harness.

At the time of his death, he was Deputy Chair of the Standing Senate Committee on National Security and Defence, a member of the Subcommittee on Veterans Affairs and a member of the Interim Committee of Parliamentarians on National Security.

On May 8, a month before he died, Senator Forrestall was at the Standing Senate Committee on National Security and Defence, where, always concerned about ensuring there was adequate support for the needs of the Canadian Forces, he suggested to the Minister of Defence,

We would encourage you to increase the budget should it be necessary.

We will miss his booming voice, cutting questions and the sight of this powerful man striding through the halls of this building, but our loss cannot compare with that felt by his family — his children, and his wife Marilyn — nor that felt by those who worked closest with him, Kathryn Meerberg and Joe Varner.

God bless.

Hon. Senators: Hear, hear!

• (1340)

WORKSHOP ON RECRUITMENT OF CHILDREN AS SOLDIERS

Hon. Rod A. A. Zimmer: Honourable senators, I rise today to applaud the success of a workshop entitled "Expanding the Dialogue: Preventing the Use of Children as Soldiers," which took place this year in Winnipeg, from August 28 to 30. The workshop was part of a long-term project undertaken by our honourable colleague, Senator Dallaire, in partnership with organizations such as UNICEF Canada, the University of Winnipeg, and Search for Common Ground. I was proud to be part of this workshop because my cause in the Senate is youth. About 300,000 children are currently serving as child soldiers around the world, especially in regions with an enshrined governance crisis and easy access to arms.

In countries such as Sri Lanka, Sierra Leone and Burundi, children are recruited as scouts, spies, sentries, bush wives, armed members of rebel groups and suicide bombers. Some boys and girls are snatched from their families through force, as in the case of the "one child per family" rule in parts of north-eastern Sri Lanka and the abduction of children from schools in Burundi. Others are lured with the promise of education or celebrated martyrdom. Families most vulnerable to losing children to combat are those who live in poverty and unstable security conditions.

Programs undertaken by organizations such as UNICEF to disarm, demobilize, rehabilitate and reintegrate child combatants have met with various degrees of success. In addition to increasing access to such programs, it is widely accepted that, in order to prevent recruitment in the first place, poverty and systematic human rights abuses must be addressed and children must be given alternatives to violence.

To address these complex issues, the three-day workshop in August brought together representatives from various stakeholder groups, including former child soldiers and peace and security agencies. Discussions led to the definition of three areas of interest which will be expanded upon in the next phase of the project, including the engagement of youth in peace building; determining the full effect of security on children; placing children at the centre of a security paradigm; and involving all stakeholders in the development of solutions.

With these important factors the next two phases will involve developing and implementing creative tools to use in addressing a variety of scenarios in countries in which children are being recruited as soldiers.

There is no better way for me to articulate the spirit of this project than to read a few lines from a poem written by a youth participant from Uganda:

Dear nation, the international community,
Parents, brothers, sisters,
Let us wake up,
And we struggle for peace together,
For the new generation.
And to stop recruiting children,
In armed forces.

Thank you for your attention, honourable senators. In conclusion, I wish to commend the work of Senator Dallaire and his partners for shedding light on this deeply disturbing issue in developing new approaches. Some call him General Dallaire and some call him Senator Dallaire; I call him Saint Dallaire.

CITIZENSHIP STATUS OF THE DALAI LAMA

Hon. Consiglio Di Nino: Honourable senators, on Saturday, September 9, 2006 in Vancouver, the Honourable Monte Solberg, the Minister of Citizenship and Immigration, awarded His Holiness the Dalai Lama honorary Canadian citizenship. On behalf of the Tibetan-Canadian communities and all peace loving people, I express my gratitude for the support of the Senate of Canada in passing the resolution to grant His Holiness this honour. I am sure I speak on behalf of all colleagues in congratulating His Holiness on receiving this unique recognition and in urging him to continue his work as world leader for peace, compassion and mutual understanding.

[Translation]

THE HONOURABLE JEAN-ROBERT GAUTHIER

CONGRATULATIONS ON RECEIVING ORDER OF CANADA

Hon. Claudette Tardif: Honourable senators, it gives me great pleasure to announce that one of our former colleagues and a strong advocate for Canadian francophonie, linguistic duality and francophone minority communities, the Hon. Jean-Robert Gauthier, will soon be awarded the Order of Canada in recognition of his many years of public service.

He began his political career as a school board trustee and worked to set up homogeneous French-language elementary and secondary schools. As with many other advocates and activists for francophone minority communities, his political commitment and involvement stem from a real desire to improve the quality of the French-language education that not only his own children, but all francophone children and youth receive.

His contribution to education was recognized recently when the Conseil des écoles catholiques de langue française du Centre-Est inaugurated the Jean-Robert Gauthier Catholic elementary school in an Ottawa suburb.

Throughout his lengthy political career, Jean-Robert Gauthier has worked to promote the French fact across Canada and linguistic duality in Canadian society.

Even at the start of his career in Parliament, he worked tirelessly to amend the Official Languages Act through his Bill S-3. Francophone communities have always had a staunch ally in Jean-Robert Gauthier.

Honourable senators, I invite you to join me in congratulating our former colleague on his appointment to the Order of Canada in honour of his public work.

• (1345)

[English]

THE LATE HONOURABLE EDWIN A. GOODMAN, O.C., P.C.

Hon. Hugh Segal: Honourable senators, on August 23, 2006, Canada lost a distinguished son and patriot. In fact, if one were to look for two words that expressed for more than 60 years, soldier, nationalist, partisan, leader, philanthropist and advocate, those two words would be Eddie Goodman. I know that at his funeral, his wife, Joan Thompson, and daughter, Diane, were very much appreciative of the presence of Senator Smith, Senator Grafstein and Senator Di Nino from this chamber to express their condolences on that occasion. Eddie was a giant in all aspects of his life. He was a decorated war hero, a respected corporate lawyer, a sought-after political strategist, confidant and adviser. He never did anything halfway. He was a risk taker and an adventurer. His boundless energy was legendary and contagious. Anyone involved in one of Eddie's projects, such as the Committee for an Independent Canada, or fundraising efforts

for the National Ballet of Canada, was expected to bring to it the same determination and thoughtfulness that Eddie demonstrated. He expected nothing less and gave nothing less.

In war, after his tank was shot out from under him on the beaches of Normandy, and his wounds required him to be shipped to hospital in the U.K., he snuck out of hospital to rejoin his squadron to fight in the battle for the liberation of France. The news of Eddie's passing understates how much we have lost. His enthusiasm fuelled generations with courage and achievement. To have been a friend is to have had the greatest gift ever bestowed outside one's own kith and kin. What we have lost is beyond description.

When named to the Privy Council, on the recommendation of former Prime Minister Mulroney, and as a member of the Security Intelligence Review Committee, he acquired the honorific, "Honourable," before his name. No Canadian merited that designation any more than Eddie Goodman. None of his generation created more incentive for others to follow and earn that same designation.

Hon. Jeremiah S. Grafstein: Honourable senators, I rise to add my words of condolence to the Goodman family. Eddie Goodman and I were great friends and political contestants for the heart of Toronto and Ontario. Sometimes he won and many times I won, but we were always friends.

I would like to tell a story to elucidate our relationship. He was the chairman of a Conservative convention when Mr. Diefenbaker ran again in 1966-67 for the leadership. Mr. Diefenbaker became a mentor of mine when I first spoke to him upon my arrival here in 1965. He called me to his office and told me about the "dos and don'ts" of Parliament, and we became fast friends, despite the fact that in the Liberal Party he was considered an ogre. At that convention, I called his office for an observer pass, and he sent me two seats, insisting that I bring my wife. We sat behind Mr. Diefenbaker at that convention. Eddie Goodman was the chairman but he and Mr. Diefenbaker were on the outs and, therefore, not on good speaking terms. Eddie walked down the aisle and, when he saw me sitting behind Mr. Diefenbaker, said, "What are you doing here?" I turned and pointed to "The Chief," who turned around and said, "He's with me." Goodman replied, "Grafstein, you're impossible."

I want to wish Eddie's family all the best. He was a great Canadian and he will be sorely missed, not only by his friends, but also by those who were his honourable opponents.

• (1350)

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I would like to draw your attention to the presence in the gallery of Mr. Michael Pownall, Clerk Assistant and Clerk of Legislation in the British House of Lords, and Dr. Isolde Victory, Head of Research Services at the House of Lords Library.

On behalf of all senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

[Translation]

ROUTINE PROCEEDINGS

OFFICIAL LANGUAGES

CERTIFICATE OF APPOINTMENT TABLED

Hon. Terry Stratton (Acting Deputy Leader of the Government): Honourable senators, I have the honour to table in both official languages the certificate of appointment for the position of Commissioner of Official Languages.

[English]

INDIAN SPECIFIC CLAIMS COMMISSION

2004-05 ANNUAL REPORT TABLED

Hon. Terry Stratton (Acting Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the Indian Specific Claims Commission's 2004-05 annual report.

HAMID KARZAI PRESIDENT OF THE ISLAMIC REPUBLIC OF AFGHANISTAN

NOTICE TO APPEND ADDRESS TO MEMBERS OF THE SENATE AND THE HOUSE OF COMMONS

Hon. Terry Stratton (Acting Deputy Leader of the Government): Honourable senators, I rise to give notice to append the address of His Excellency Hamid Karzai, President of the Islamic Republic of Afghanistan, to members of both Houses of Parliament, delivered September 22, 2006, together with the introductory speech by the Right Honourable the Prime Minister of Canada and the speeches delivered by the Speaker of the Senate and the Speaker of the House of Commons to the *Debates of the Senate* and to form a part of the permanent record of this house.

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF PROCEEDS OF CRIME (MONEY LAUNDERING) AND TERRORIST FINANCING ACT

Hon. Jeremiah S. Grafstein: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That, notwithstanding the Order of the Senate adopted Tuesday, May 16, 2006, the Standing Senate Committee on Banking, Trade and Commerce, which was authorized to

undertake a review of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*, be empowered to extend the date of presenting its final report from September 28, 2006 to October 5, 2006; and

That the Committee retain until October 31, 2006 all powers necessary to publicize its findings.

FOREIGN AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF MATTERS RELATING TO AFRICA

Hon. Hugh Segal: Honourable senators, I give notice that at the next sitting of the Senate, I shall move:

That, notwithstanding the Order of the Senate adopted on Tuesday, May 9, 2006, the Standing Senate Committee on Foreign Affairs, which was authorized to examine and report on issues dealing with the development and security challenges facing Africa; the response of the international community to enhance that continent's development and political stability; Canadian foreign policy as it relates to Africa; and other related matters, be empowered to extend the date of presenting its final report from October 31, 2006 to December 22, 2006; and

That the Committee retain until January 31, 2007 all powers necessary to publicize its findings.

• (1355)

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF SOFTWOOD LUMBER AGREEMENT

Hon. Hugh Segal: Honourable senators, I give notice that at the next sitting of the Senate, I shall move:

That, notwithstanding the Order of the Senate adopted on Wednesday, June 28, 2006, the Standing Senate Committee on Foreign Affairs, which was authorized to study and report on the Canada-United States agreement on softwood lumber, be empowered to extend the date of presenting its final report from October 2, 2006 to November 30, 2006.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO CHANGE NAME OF FOREIGN AFFAIRS COMMITTEE TO INCLUDE INTERNATIONAL TRADE

Hon. Hugh Segal: Honourable senators, I give notice that at the next sitting of the Senate, I shall move:

That the Standing Committee on Rules, Procedures and the Rights of Parliament be authorized to examine and report on the following:

That rule 86(1)(h) of the *Rules of the Senate* be amended to read:

“The Senate Committee on Foreign Affairs and International Trade, composed of twelve members, four of whom shall constitute a quorum, to which shall be referred, if there is a motion to that effect, bills, messages, petitions, inquiries, papers and other matters relating to foreign and Commonwealth relations generally, including:

- (i) treaties and international agreements;
- (ii) external trade;
- (iii) foreign aid;
- (iv) territorial and offshore matters.”; and

That the Committee submit its final report no later than December 22, 2006.

QUESTION PERIOD

FINANCE

SPENDING CUTS TO COURT CHALLENGES PROGRAM

Hon. Serge Joyal: Honourable senators, my question is for the Leader of the Government in the Senate.

Yesterday, one of our colleagues in this place used a particular expression when he was stunned by the government's decision to cut the Court Challenges Program.

At first I did not believe the government had taken this decision. If there is an issue that the Senate is sensitive to, it is the issue of minority rights, especially of linguistic minority rights, whether English or French. To me, it is an important decision when the government decides to do away with such a small program in terms of money; namely, \$2.8 million per year.

Can the Leader of the Government in the Senate tell us the criteria that the government applied, since she mentioned that she was part of the exercise? What criteria were applied by the government to conclude that the program was useless?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question. There was a significant amount of discussion about many programs existing in the government and where we might find savings on behalf of the taxpayer. There is no question that the Court Challenges Program has handled some interesting files, but it was generally felt that if Parliament did its work and properly submitted legislation and laws, a program for groups to challenge laws passed by this place was something whose time had come.

In the previous Mulroney government, there was much discussion even then about the Court Challenges Program. It was a decision of the current government to cut the Court Challenges Program as part of its savings. If the honourable senator were to ask me what category it fell within, I would say it probably falls into the efficiency category.

Senator Joyal: I have a list of all the cuts. Canadian Heritage operating program efficiencies: \$1.1 million is eliminated.

• (1400)

I understand that the government wants to review administrative efficiencies, something which I think is a fair process. It is fair for the government to do that kind of exercise. However, when it comes to evaluating a program that deals with minority rights, a further step must be taken.

The honourable leader has made mention of the first time the Court Challenges Program was eliminated in 1992. At that time, I believe she was a member of the previous government. Was it eliminated at that time on the basis that those court challenges proved to be futile and a loss of time for the courts; or did they provide opportunity to get from the courts decisions in relation to section 23 of the Charter, which section concerns education rights? Without those court challenges many francophone communities across Canada would not now have access to education in their mother tongue. Without those challenges, they would not have the right to manage their own schools, something for which former Senator Gauthier fought all his life. He even voted against the Charter because he thought section 23 should contain that right.

I do not understand how the government can conclude that it should chop the program without reviewing the court decisions that were rendered from 1983 to 1992 and from 1993 to today. This is a strategic program that goes to the essence of what Canada stands for. We are not talking here about an administrative decision. We are talking about something that goes to the heart of this country, that is, the recognition of both languages, whether it be the education system or the administration of government.

It seems to me there is a sensitivity here that does not exist with regard to the other decisions of the government. I am trying to understand what kind of sensitivity the government leader expressed to her colleagues on that committee to draw their attention to the specific nature of this program and its benefits for English-speaking Quebecers, French-speaking Ontarians or even the people of Ottawa. From the government's answers I do not understand the crux of the decision. What was the determining factor that brought about this conclusion?

Senator LeBreton: I thank the Honourable Senator Joyal for his question.

Am I to take it, then, that Senator Joyal agrees with all the other spending announcements that we made? He seems to be referring only to the Court Challenges Program.

This was a decision of cabinet and officials in the various departments who were assisting us. In no way is any organization prevented from bringing challenges to the courts. They have that constitutional right.

After much discussion, first, in our committee, and then collectively in cabinet and with the officials advising us, we felt that this was a decision that we could make in the name of savings for the government.

People may agree or disagree with it, but that is the decision we made. I can say quite categorically that we will abide by and live with our decisions.

Senator Joyal: I want to draw the attention of the Leader of the Government to the fact that this house is the house of sober second thought. Through an administrative exercise that has its merits, decisions sometimes are taken without proper attention being paid to their fallout.

I plead with the Leader of the Government to reconsider this decision on the basis of the essential nature of our country. We are not talking here about any kind of rights. We are talking here about the minority rights that are enshrined in the Constitution, and for centuries minorities have been fighting to have their rights recognized. One purpose of the Charter is a reparative objective. It is the nature of things to right wrongs. This program has that merit.

• (1405)

I would feel uneasy if we voted unanimously on amending the Official Languages Act through Bill S-3, as the honourable leader at the time enthusiastically did. I remember it well.

We must now say to the minorities, "We are sorry, guys, you are a minority. Fight the majority if you want to, but the government will cross its arms and wait until you win in court. If you are able to raise money by selling chocolate bars at the church exit on Sunday morning and take it to the Supreme Court, then we will recognize your rights."

I thought we had matured in this country. I thought that the rights enshrined in the Charter are as much the concern of the federal government as they are of the provincial government.

I ask if the Leader of the Government in the Senate will take that issue back to her colleagues. She may consider speaking with her seatmate, Senator Comeau. Without this program, the right to schools for the Acadians in Nova Scotia and the right to a cultural centre for the Acadians in Summerside, Prince Edward Island would not have been realized. This is the reality.

Some Hon. Senators: Hear, hear!

Senator Joyal: I invite the honourable leader to a dispassionate discussion. Maybe I get too passionate for dispassionate discussions in this chamber. I ask her to have sober discussion with her colleagues from the minorities and those senators on the opposite side who receive the benefit of this program in their communities.

I see Senator Stratton accomplished an objective whereby a community in Manitoba was able to have the management of their schools recognized. This is a sensitive issue.

I ask all honourable senators on the other side to discuss this issue again, review it and come back to us with a clearer set of criteria as to why this program should be eliminated.

Senator LeBreton: I thank the honourable senator for his comments. I do not think anyone on either side of this chamber would, in any way, take away from the importance of supporting our two official languages. I can go back to Mr. Diefenbaker's time and reiterate some of the things he tried to do.

I do not think for a moment that anyone in this chamber of sober second thought would ever suggest that we are saying to minority language groups they should sell chocolate bars to raise money to challenge a particular law.

I will simply say that the government, after much deliberation, made the decisions that we announced on Monday. As a matter of fact, I am pleased to see they have been generally well received —

Some Hon. Senators: Oh, oh!

Senator LeBreton: — in the country at large, including in the editorial of *The Globe and Mail*.

Some Hon. Senators: Oh, oh!

Senator LeBreton: It is dangerous for me to quote from *The Globe and Mail*.

Senator Fox: An opposition newspaper.

Senator LeBreton: In any event, I appreciate the passion with which the honourable senator speaks on this issue. People have varying views on the Court Challenges Program. There is no question that there have been cases where minority language rights were challenged, but they have been settled.

There have been many other occasions where the Court Challenges Program was used for purposes that dragged on when the solution would have been to enact proper laws in the first place.

• (1410)

Senator Fox: Change the Constitution.

Senator Joyal: As a final question, the minister indicates that some of the cuts have been well received, according to the editorial in *The Globe and Mail*. Perhaps the leader could look into another quote from *Le Droit*, a newspaper in the other official language, whereby the president of la Fédération des communautés francophones et acadiennes du Canada seeks to meet with the honourable minister to try to draw attention to this subject and to evaluate the impact of this decision by the government. It might be well received by the majority, but she should seek the opinion of the minorities because minorities are the ones who have something at stake here. If one tries to get the opinion of the majority on the rights of the minority, one will not get what one needs.

Some Hon. Senators: Hear, hear.

Senator Joyal: In our process of sober second thought, the honourable government leader should meet with the representatives of the Acadian and francophone minorities, as well as anglophone minorities in Quebec. She should meet with them to evaluate the impact of her decision and the government's decision generally and to look at criteria to add to the program

and to improve the efficiency of the program. Everyone has a reasonable approach to those issues, as the honourable leader has mentioned. To simply chop the program on the basis of the argument that we essentially want to have efficiency and "efficiency" means to abandon the program does not seem to be a reasonable decision.

Senator LeBreton: I thank Senator Joyal for his comments, however, I do not think anyone on this side needs any lessons about the treatment of minorities. My own husband traces his origins back to the Acadian community in New Brunswick. Prime Minister Mulroney's first act when he became leader of the party was to take a courageous stand on Manitoba languages. We do not need to take any lessons on the importance of minority rights.

Senator Fox: We want Mulroney back!

An Hon. Senator: Remember the Meech Lake Accord?

Senator LeBreton: I remember the Meech Lake Accord, of course. We do not need to take any lessons on who is more credible on the issue of minority languages or minorities, period. I will simply say to the honourable senator that I have listened to his arguments. He is certainly entitled to his strong views and, in a democracy, we are entitled to ours as well.

SPENDING CUTS TO NATIONAL LITERACY SECRETARIAT

Hon. Joyce Fairbairn: Honourable senators, I raised some questions yesterday about the \$17.7 million in cuts to the federal government support of the literacy community in Canada. It appears that there is a mandate to concentrate on national and federal programs. Naturally, this change has caused a concerned reaction from the provincial organizations that have carried the banner for this extremely difficult issue, doing outstanding work on the ground, in urban and rural communities throughout the country, to help teach people of all ages who have fallen through the cracks through no fault of their own. Could the Leader of the Government explain to us why the new cabinet feels that being a direct partner with the provinces in local and regional programs that have had a fundamental effect on assisting what is clearly a nationwide concern is an unacceptable role for a federal government? To date, this collaboration has been extraordinarily helpful.

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for that question. As I mentioned yesterday, and as the honourable senator rightly pointed out today, although she did not mention the amount, we are investing over \$81 million this year and next in adult training, literacy and skills development. It was clear during the election campaign, and certainly since, that one thing about which the federal government has been definitive was that we would not tread into areas where the provinces were already involved, therefore tripping over each other in providing services. The issue here is simply the fact that we will put in \$81 million, and we will not overlap services already provided by provinces and municipalities.

Senator Fairbairn: I hear what the minister is saying, but I do not believe that the people on the ground across the country would say that the federal government has been treading on toes or causing difficulties. The federal government and the provinces have been working extremely well together.

On International Literacy Day, Human Resources and Social Development Minister Diane Finley issued an encouraging statement in which she said that “the Government of Canada remains committed to working collaboratively with provincial and territorial governments and other learning and literacy stakeholders to promote the importance of literacy and to facilitate the creation of opportunities for Canadians to acquire the literacy and essentials skills they need.”

• (1415)

I have followed her comments then and in other matters very closely. From reading this it is obvious that she is on the right track. However, surely we are past the days when attitudinal barriers dictated that each level of government must act on its own to protect its citizens. Literacy, as we all know, cuts across all borders, be they geographical or constitutional. The federal government has been a major player and has made a huge difference.

Can the Leader of the Government in the Senate assure us that her government is open to further discussion on what has been a hugely productive partnership? In literacy, as in many other things, every day matters, and federal support is critical to many of those programs.

Senator LeBreton: I thank Senator Fairbairn for the question. I agree with what Minister Finley said because that is exactly what we intend to do. We intend to work in cooperation with the provinces in a host of areas, including literacy.

The issue here is simply that there were funds in the program for work that was already being done by other jurisdictions. As I said yesterday, the \$81 million that the federal government is intending to spend in this area will obviously be of assistance to people in the provinces. There will be a high level of cooperation.

We are committed to working closely with the provinces. Again, the provinces have programs and we have programs. The ideal situation is to work together toward a shared goal. The federal government intends to put into these programs \$81 million, which is no small amount. This in no way takes away from the ability of the people running these programs to work with each other. As with any issue, the origin of the funding, be it federal or provincial, does not detract from our commitment.

Senator Fairbairn: Honourable senators, I certainly hope that as the government moves along that course it will be able to retain the very productive connections between the people on the ground in the provinces working on the programs and the federal administration.

The important thing is not who provides the money, but rather, that there be no barriers between the levels of government and to ensure that the right programs are put in place to help, in the most productive way, the people who need them most.

Senator LeBreton: Honourable senators, that is more or less what I said in my last answer. I agree totally. Senator Fairbairn is certainly a champion of literacy issues. I am certain that her commitment to literacy will not change as a result of some rearranging of funding or programs.

• (1420)

Obviously, any good citizen of this country, whether they are part of a federal scheme or provincial scheme or both, will not in any way diminish their activities in pursuit of goals such as dealing with the literacy problem that is facing this country.

Senator Fairbairn: The leader can count on me. I will not be sitting down or standing back. I certainly will be assisting in any way I can.

My only concern, and their only concern, is that although changes have and are being made, the connecting link between the two levels of government, which some would argue is not necessary or worthwhile, is absolutely imperative when it comes to this issue.

Senator LeBreton: Honourable senators, I would have expected that answer from Senator Fairbairn. She is absolutely right. I would not expect her to sit back and I know she will not. The honourable senator is to be commended for always keeping this issue at the forefront.

I am quite certain that if we were to discuss this issue a year from now, we will find that the programs the federal government has announced will not adversely affect the country's literacy programs. I remember some of them being announced during the election campaign. I am particularly interested in these areas as well, and I particularly remember announcements on training to build a skilled labour force, for people who work in the trades. They happen to be the people that I care the most about. Therefore, I am quite sure that a year from now, the honourable senator will be able to say the literacy programs in this country have not suffered as a result of this measure.

SPENDING CUTS
TO INTERNATIONAL YOUTH INTERNSHIP PROGRAM

Hon. Jim Munson: Honourable senators, I have a question for the Leader of the Government in the Senate. I rise today to address the latest example of the Conservative government's ill-advised cut, slash and burn budgeting style.

Last year, in their haste to scrap the Canadian Unity Council, a program for youth was threatened by this government; but under pressure, everyone came to their senses and backed off, and Encounters with Canada and programs like that continued. Yesterday, the President of the Treasury Board announced that Canada's new government will be cutting \$10.2 million from the International Youth Internship Program. Once again, the argument is that it did not deliver value for money.

The International Youth Internship Program was part of the Government of Canada's youth employment strategy. It was introduced in 1997 and addressed issues facing youth in transition from school to full-time employment, such as “no experience, no job; no job, no experience.”

My question to the Leader of the Government in the Senate is this: How can one put a value on a child's future? Will the government do the right thing and re-establish funding for the International Youth Internship Program?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I will start off by making a comment on the Canadian Unity Council. There was never the intention to end the program. We did not restore the Encounters with Canada program under pressure. I happened to be involved in contacting to the various people on the Canadian Unity Council, advising them that we would not be putting more money into the council. At the same time, I advised them that we would be maintaining the Encounters with Canada program, which we have.

Therefore, honourable senators, Senator Munson is quite wrong in saying that we restored the program under pressure. We never intended to end the Encounters with Canada program. I thought I had better correct the record on that point. Journalists, like the honourable senator, often get their facts wrong.

Senator Robichaud: Like *The Globe and Mail*!

Senator LeBreton: On the Youth Employment Strategy, we will be looking at programs to assist young people living in areas of the country where there is difficulty getting employment. We do not see the need to subsidize large corporations and businesses to hire students when they will be hiring them in any event.

Senator Munson: Honourable senators, I have a supplementary question. The leader may have had that impression about Encounters with Canada, but if she had gone on the website at that particular time, she would have seen that they were closing shop. People were told this program was coming to an end. With all due respect, the honourable senator should check the record herself.

This fiscal year, 2006-07, there were 300 students in this internship program. Over the past nine years, the program placed 400 students per year. Why should students, who are the new ambassadors for Canada, not have the opportunity to look, work and study beyond our borders?

• (1425)

Senator LeBreton: I thank the honourable senator for that question. Again, on the preamble to the question, I do not know what website the honourable senator was looking at but it was never —

Senator Munson: It was theirs.

Senator LeBreton: They may have changed the name. I was one of the people making the calls to the people on the board of CUC and I made it clear to them that the Encounters with Canada program would not be abandoned.

I think the honourable senator will find when he looks at our platform in the last election, we are committed to ensuring that young Canadians are well trained, well educated and have access to high paying and good jobs.

[Senator Munson]

[Translation]

INTERNATIONAL COOPERATION

MEMBERSHIP OF DELEGATION TO THE SUMMIT OF LA FRANCOPHONIE IN BUCHAREST, ROMANIA

Hon. Maria Chaput: Honourable senators, I have two questions for the Leader of the Government in the Senate.

My first question is about the Summit of la Francophonie in Bucharest, Romania. No doubt we have a delegation at the summit. How many Canadian delegates are attending, and who are they?

[English]

Hon. Marjory LeBreton (Leader of the Government): I do not know the exact number of people in the Canadian delegation or who they are. I will be happy to provide that and any other information on the Francophonie in a delayed answer.

[Translation]

FINANCE

IMPACT OF SPENDING CUTS TO INDUSTRY CANADA

Hon. Maria Chaput: My second question is about the summit's theme of new information technologies and the programs offered by Canada.

The government has made major cuts to Industry Canada. Has the Canada Fund for Africa been cut? If so, will this affect the plan to establish a Canadian centre for supporting sustainable economic development through technology in African countries?

[English]

Hon. Marjory LeBreton (Leader of the Government): I intended to say we will take the entire question as notice and I will give the honourable senator a delayed answer shortly.

Senator Prud'homme: May I ask a supplementary question?

[Translation]

The Hon. the Speaker: Honourable senators, the time for Question Period has expired. Several other senators remain on the list for Question Period. Their names can be added to the list for tomorrow.

[English]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Terry Stratton (Acting Deputy Leader of the Government): Honourable senators, I have the honour to table the answers to two oral questions asked by Senator Callbeck on June 8, 2006, concerning maternity benefits for women entrepreneurs; and Senator Robichaud on June 15 and June 28, 2006, concerning the status of literacy programs and the proposal submitted by the Kent Dyslexic Support Committee.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

MATERNITY BENEFITS
FOR WOMEN ENTREPRENEURS

(Response to question raised by Hon. Catherine S. Callbeck on June 8, 2006)

Government supports available to women entrepreneurs and more specifically, the potential to extend the Employment Insurance (EI) maternity and parental programming to this population are significant issues that warrant ongoing discussion.

The current EI program design is one that is adapted specifically for workers in jobs characterized by traditional employer-employee relationships. As such, at the present time self-employed workers such as entrepreneurs, do not pay into, or receive EI. Adapting a program such as EI to respond to the needs of the self-employed, would represent a very significant undertaking requiring consideration and resolution of a considerable number of policy and program design issues. A policy initiative in this regard would also need to take into account the range of needs and preferences of the full population of self-employed workers, a diverse group with a range of work patterns and needs.

While EI represents one potential instrument of support, there are also others that would be appropriate to consider. Other potential instruments of support include: Loan programs, sector-based funds and self-funded tax-sheltered programs.

HRSD officials have been examining the issues around insurance based coverage of the self employed and the work to date suggests they are numerous and complex. For example, information from surveys has indicated that there is no clear consensus among self-employed workers — or organizations that represent them — concerning the desirability of gaining coverage for any of the benefits available under EI. Although some self-employed have expressed interest in gaining access to EI maternity and parental benefit coverage, their willingness to pay premiums for this coverage is limited.

An important development in this area has been the conclusion of an Agreement between the Government of Canada and Quebec regarding the establishment of its own parental plan, which replaces EI maternity and parental benefits in that province. As Quebec's plan will offer coverage of the self-employed, data and information concerning Quebec's experience will be very valuable for all governments in evaluating the benefits, practicality and policy considerations associated with serving this population.

Given the complexity of the issues involved, it will be important that the Government proceed in a careful and prudent fashion in assessing potential new policies for self-employed women — and all entrepreneurs. The Parliamentary Standing Committee on the Status of Women has tabled a report on parental benefits for

self-employed workers and the Government's recent response to the recommendations of the report provides additional insight into the government's position on this matter.

STATUS OF LITERACY PROGRAMS
AND FUNDING OF VARIOUS PROGRAMS

(Response to questions raised by Hon. Fernand Robichaud on June 15 and 28, 2006)

The Government of Canada recognizes that literacy and essential skills are the foundation for skills development and lifelong learning. They are important for Canada's productivity and for the well-being of Canadians.

The Government of Canada will continue to work with provinces and territories, employers, unions and community groups to help Canadians develop the literacy and essential skills they need every day — at work, at home, and in life.

Minister Finley stated at HUMA Standing Committee on Main Estimates (June 6, 2006) that:

"I agree wholeheartedly on the importance of literacy. Our department invests a lot in skills development, but if people can't read and if they don't understand what they're reading, it's hard for them to learn how to do a better job or to do their job better. It's fundamental that we have a literate population".

Human Resources and Social Development Canada (HRSDC) programming supports the transfer and application of knowledge and innovations in adult learning, literacy and essential skills. HRSDC programming also helps to strengthen the capacity of the adult learning, literacy and essential skills sectors while working to promote adult learning, literacy and essential skills across Canada. These activities complement other literacy-related initiatives in federal departments and agencies more broadly.

The Adult Learning and Literacy Directorate (ALLD) within HRSDC is responsible for delivering federal government support for adult learning, literacy and essential skills.

Effective April 1, 2006, HRSDC implemented a single set of program terms and conditions integrating the former program authorities of the National Literacy Program, the Office of Learning Technologies Program and the Learning Initiatives Program into the Adult Learning, Literacy and Essential Skills Program (ALLESPP). The objectives of the ALLESPP are to promote lifelong learning by reducing non-financial barriers to adult learning and to facilitate the creation of opportunities for Canadians to acquire and develop the learning, literacy and essential skills they need to participate in a knowledge-based economy.

The ALLESPP funds activities along four streams:

- generation, transfer and application of knowledge;
- innovations in adult learning, literacy and essential skills;

- strengthening the capacity of the adult learning, literacy and essential skills sectors; and
- adult learning, literacy and essential skills promotion.

This year's call for proposals was posted on August 10, 2006. It was delayed for a variety of factors, including suspension of program postings over the federal election period, the Treasury Board approval of the merger of HRSDC learning and literacy terms and conditions into the consolidated Adult Learning, Literacy and Essential Skills Program, and various administrative and common system modifications that were required.

Applications are reviewed based on eligibility, merit and available funding.

The proposal entitled *Service d'appui aux troubles d'apprentissage "Les Mots magiques"* submitted by Le Comité de soutien aux personnes dyslexiques de Kent, has been approved. The organization has been informed of this.

ANSWER TO ORDER PAPER QUESTION TABLED

CITIZENSHIP AND IMMIGRATION— IMMIGRATION POLICY AND STATISTICS

Hon. Terry Stratton (Acting Deputy Leader of the Government) tabled the answer to Question No. 15 on the Order Paper—by Senator Calbeck.

• (1430)

ORDERS OF THE DAY

SENATE REFORM

SPECIAL COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT

Hon. Daniel Hays (Leader of the Opposition), pursuant to notice of September 26, 2006, moved:

That, notwithstanding the Order of the Senate adopted on Wednesday, June 21, 2006, the date for the Special Senate Committee on Senate Reform to submit its final report be extended from September 28, 2006 to October 26, 2006.

[Translation]

Hon. Terry Stratton (Acting Deputy Leader of the Government): Honourable senators, can the Leader of the Opposition in the Senate explain the reasons for this decision?

Senator Hays: I thank Senator Stratton for his question. We began examining Bill S-4 last June. In September, the committee met for two weeks to hear testimony from experts and from the

Ministers of Intergovernmental Affairs from Ontario, Quebec and Alberta. Unfortunately, more time is needed to draft our report.

It was difficult to determine in advance the deadlines for the work, although we were confident that we could submit the report on the date specified. There is too much work to be done, which is why we are asking for an extension until October 26. However, we hope to have the report ready before that date.

[English]

Senator Stratton: Honourable senators, I have a follow-up question. The honourable senator used two phrases in respect of when the report would be finished: one, "hope to be finished," disturbs me, and the other, "fairly certain to be finished," assures me. Could the honourable senator give this chamber the assurance that the latter will govern, that he will not ask for an additional extension and that the report will be finished?

[Translation]

Senator Hays: Honourable senators, I am certain that, given this motion, we will be able to table the report by October 26, and perhaps even earlier.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[English]

NATIONAL DEFENCE ACT

MOTION CALLING UPON GOVERNMENT TO PROCLAIM SECTION 80 OF THE PUBLIC SAFETY ACT, 2002 ADOPTED

Hon. Hugh Segal, pursuant to notice of September 26, 2006, moved:

That the Senate calls upon the Government of Canada:

- to cause the bringing into force of section 80 of the *Public Safety Act, 2002*, Chapter 15 of the Statutes of Canada 2004, assented to on May 6, 2004, which amends the *National Defence Act* by adding a new Part VII dealing with the reinstatement in civil employment of officers and non-commissioned members of the reserve force;
- to consult with the provincial governments as provided in paragraph 285.13(a) of the new Part VII with respect to the implementation of that Part; and
- to take appropriate measures in order for the provisions under the new Part VII to apply to all reservists who voluntarily participate in a military exercise or an overseas operation, and not to limit the provisions to those reservists who are called out on service in respect of an emergency.

[Senator Stratton]

Hon. Tommy Banks: Honourable senators, it is hardly my place to ask this question of the honourable senator but I will. I need to understand whether this would provide job protection for those members of the reserve forces who are called to duty such that they will have their jobs waiting for them when they return from duty.

Senator Segal: That is precisely the case, senator. I prepared a brief speech on the matter, if it please the house.

Honourable senators, I rise today to speak to the serious inequity suffered by the brave men and women who proudly call themselves members of the Canadian Forces reserves. These people are more than weekend soldiers and many are called on to backstop our regular forces. They are standing alongside regular force members, fighting, being wounded and, sadly, dying. To date, five of our volunteer reservists serving in Afghanistan have given the ultimate sacrifice in the fight for the freedom of the Afghan people. There are 300 Canadian reservists serving in Afghanistan supplementing our regular forces. These people are mechanics, bank tellers and public servants in private life. They are men and women who choose to train on weekends and during vacations and subsequently serve overseas. In order to do this, they must request leaves of absence and rely on the goodwill and understanding of employers to hold their positions during training and service in overseas missions, for months, if necessary.

• (1440)

Unfortunately, while the goodwill of employers exists in many sectors, all too often these reservists must make a choice: Do I serve my country or do I step back and not risk my current employment? Unfortunately, some employers, including government employers, are less than enthusiastic about their employees' requests for unpaid leaves for training or overseas service purposes.

A recent article in *Maclean's* magazine recounted the story of one young reservist who returned from a training exercise and was called in by a senior executive, and told, "You were one of our best employees until you got involved in this silly army thing."

As far back as 1987, a "total force" concept was instituted by the Canadian Forces and this concept was reaffirmed with the 1994 White Paper on defence, where reservists are trained to the level of their regular force counterparts and serve in the same unit. This concept, while still in the implementation phase in the late 1980s and 1990s, faced its biggest challenge during Canada's UN involvement in the Yugoslavian operations. Canada had earmarked 2,000 peacekeepers to fulfill our duties to our missions abroad overall, but by 1993 all these 2,000 members were assigned exclusively to the former Yugoslavia. Reservists had to be deployed so that Canada might fulfill its other commitments worldwide.

Much in this world has changed since Yugoslavia and the defence White Paper in that the need for our reservists is greater than ever. However, Canada has yet to provide even the peace of mind for these men and women serving in Afghanistan, Bosnia or elsewhere, that their jobs, their livelihoods and their ability to provide for themselves and their families will be intact upon their return home.

Without assurances of any kind, how are our reserve forces to recruit and train needed personnel? The cadet program of the reserve forces also counts on its members to train new recruits. One deputy commanding officer at a reserve training facility stated publicly that the shortage of training officers was due directly to the lack of job security afforded them. In one instance, the employer guaranteed the young officer that there would not be a job waiting for him at the end of his unpaid leave of absence.

The Public Safety Act, introduced in 2002 — and this falls into the category of Senator Banks' proposal that we deal with acts that have not been fully proclaimed, to his credit — contained a detailed section relating to the job protection of Canadian reservists. Unfortunately, the section was not brought into force by the Governor-in-Council. Furthermore, it applied only to reservists who are called up in respect of an emergency situation.

The compulsory call-up of reservists in an emergency situation has not actually occurred since the Second World War. Even if all provisions listed in section 80 of the Public Safety Act were brought into force, they would not be of use to the men and women who currently serve Canada so bravely as volunteers in our operations overseas.

The issue of job protection for reservists has been the subject of discussion for many years. It was supported at length in the 1995 Special Commission on the Restructuring of the Reserves and the 2005 Commission on the Restructuring of the Reserves: Ten years later as well. Now, with our commitments overstretching our armed forces and the need for even more reservists to enter active duty, it is our duty as parliamentarians to provide incentive and do whatever is possible to support those who wish to volunteer.

The Canadian Forces Liaison Council attempts to act in support of the Department of National Defence in the absence of job protection legislation by educating employers, promoting support of reservists and outlining the advantage of hiring reservists. When necessary, the council also attempts to mediate employment situations to allow for job security or unpaid leave — all worthwhile efforts, and I am grateful that such an organization exists, especially since current laws do not afford any protection to those who serve in that fashion.

Sections 285.01 to 285.13 of section 80 of the Public Safety Act are well-thought-out and comprehensive parts of the legislation that would afford job protection for members of the reserve forces. As mentioned earlier, the legislation applies only in situations where these women and men are called up in respect of an emergency and would not apply to those who volunteered for duty. I humbly ask for your support in, first, urging the government to amend this section of the Public Safety Act so that it includes all reserve members volunteering for training and service, and, second, that the provisions be brought into force by the Governor-in-Council as quickly as possible.

The discussion has gone on for 20 years, honourable senators. How many times must we reach the same conclusions? Members of Canada's reserve forces, who serve this country bravely at home and abroad, deserve meaningful job protection. This chamber has the capacity to advance that cause.

Senator Banks: Thank you. I apologize for jumping the gun earlier. I am still new here.

I will take adjournment of the debate for the rest of my time, but I want the honourable senator to know that my colleagues on the Standing Senate Committee on National Security and Defence are grateful to him for raising this question. We have wrestled with it long and hard from time to time in respect to recommendations we have made. Before I engage in the debate, I want to be a little surer of my ground than I am today. I will adjourn the debate in my name when the time comes for the remainder of my time.

Hon. Michael A. Meighen: Would Senator Segal entertain a question? I am sure he has looked at this matter, as we have on the Standing Senate Committee on National Security and Defence. The argument, as the honourable senator is well aware, against such legislation is that were it in place, employers would be loath or less willing to employ young men and women, knowing full well that they might at any time volunteer for deployment and, therefore, they would be an employee that perhaps could be considered less reliable than one who was not involved with the reserves.

Is that a serious objection? Do you have any evidence whatsoever? I tend to share the honourable senator's view, but I want to be able to dismiss the argument that introducing this legislation would do more harm than good.

Does the honourable senator have any views with respect to the payment of reserves, whether they should be paid the same amount as regular serving members of our forces when they are on deployment in active service?

Senator Segal: I thank the honourable senator for the question. With respect to the issue that people will be deprived of employment opportunities because companies will cease hiring people who are of an age and capacity to join our reserves, we have a long list of legislative changes made in the interest of a humane and caring society with respect to maternity leave, with respect to whether or not smoking is allowed, and with respect to a host of other important labour standards. While there is always some resistance at the beginning, that legislation tends to effect a cultural shift. It becomes apparent that leaving people out of an employment option because those people might be loyal enough to want to join the reserves will become socially and economically unacceptable.

Yes, there will be some of those difficulties. However, I would rather begin with the premise that we have legislation in place that establishes a clear obligation, and if corporations and others want to engage then on how they manage some of these issues, whether there are tax or other considerations that must be put in place, that is a fair discussion. It is fundamental, certainly in those areas governed by federal legislation, that we have a clear and precise statutory position. Some provinces would go along with that, while others, for other reasons, may choose not to.

With respect to the second issue, I have had the benefit of living in Kingston, where many reservists are part of the community. One of our realities — and this is true of the Americans, the

British and others — is that we have had great difficulty paying reservists both on time and fairly.

My view has been that, for all the NATO countries, until we hold the salary of the high command in escrow until such time as reservists are paid on time, we will not get their attention. That is a debate for another time and another place, but it is an idea I would embrace.

I believe I am correct in saying that our Commonwealth brothers and sisters in Australia and the United Kingdom as well as the United States have legislation that guarantees work for reservists who are serving their country. There are precedents in other places.

Senator Meighen: Does the honourable senator have a view on whether or not the difference between the salary paid to the reservists and the salary that reservists were earning in the private sector should be made up by somebody and, if so, by whom?

• (1450)

Senator Segal: I would not be of the view that a reservist should be paid at a level beyond the rank and burden which he or she carries as compared to a comparable member in the regular force. When a reservist makes a decision to respond to a voluntary call-up, to sign up for disposition abroad, he should be treated equally to every other member of the force. It is probably an unfair expectation that Her Majesty compensate for any gap that exists between his or her private-sector income and what is in fact being paid by the forces at that time.

The more interesting question is in the context of the way in which reservists are ranked and treated. For example, if someone leaves the regular force and stays in the reserve, he or she often has to go down a rank. Those are issues we should discuss because that has a more direct impact upon a reservist's income, benefits and acquired pension rights than might be the case relative to the private-sector job from which he comes.

On motion of Senator Banks, debate adjourned.

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF ISSUES CONCERNING MENTAL HEALTH AND MENTAL ILLNESS

Hon. Marilyn Trenholme Counsell, pursuant to notice of September 26, 2006, moved:

That the Standing Senate Committee on Social Affairs, Science and Technology, which was authorized by the Senate on Tuesday, April 25, 2006, to examine issues concerning mental health and mental illness, be authorized to extend its power to publicize its findings from September 30, 2006 until March 31, 2007.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, might the honourable senator give us an explanation about this motion on two grounds. First, what will it involve and what is planned in the way of publicizing the report? Is it travel? How much money will be involved? Second, why is it deemed necessary to extend this power? The mental health report,

which I believe is an excellent report, has already had a lot of publicity since it was brought down. This motion, running until the end of March next year, would give a longer period of authorization for publicity than I believe has been the practice for Senate reports.

Why is this report special?

Senator Trenholme Counsell: I thank the senator for her question. It is a great privilege and source of pride for me to speak to questions, to this motion, and indeed to the report. I am sure all senators would agree that this report has brought great honour to the Senate of Canada, especially to all the senators who participated in this study and in the preparation of the report, and, of course, to all those who have cooperated with us.

There seems to be a great hunger across the nation to have this report presented in person by honourable senators. I know that both the Honourable Senator Kirby and the Honourable Senator Keon have ongoing speaking engagements. Of course, we know that Senator Kirby will take his retirement from the Senate, but we sincerely hope that the Honourable Senator Dr. Wilbert Keon will not follow in his footsteps. He is most valuable. The senators are receiving speaking invitations constantly, so it is to enable this most important and highly respected work of the Senate to continue to be presented to the people of Canada in response to requests.

There is a need to produce an additional printing because the demand has been far greater than expected. Also, because of the size of the report, we have had to contract outside. I do want to reassure honourable senators that the budget for this part of the study, the presentation of the actual report to the Canadian public, was \$54,000, and of that \$32,000 remains. I was given the words that "in a sense, the motion extends the life of the budget," but far more importantly, in my mind, and I expect in yours, honourable senators, is that it extends a life of this important work. It extends the possibility of getting important messages out about reducing stigma surrounding mental illness, about calling people to action, about listening to people who suffer from the many forms of mental illness and addiction, and as well, listening to their families and all the people in the community who work for them.

This motion promotes a worthy cause. It does not require additional dollars. It is an administrative motion. There are precedents for it. I cannot cite other committees, although I believe they exist. I know that this kind of extension has been granted to the Standing Senate Committee on Social Affairs, Science and Technology in the past.

I would be glad to answer any other questions.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

NATIONAL FINANCE

COMMITTEE AUTHORIZED TO STUDY ISSUES RELATING TO FISCAL BALANCES AMONG ORDERS OF GOVERNMENT

Hon. Nancy Ruth, for Senator Day, pursuant to notice of September 26, 2006, moved:

That, the Standing Senate Committee on National Finance be authorized to examine and report on issues relating to the vertical and horizontal fiscal balances among the various orders of government in Canada; and

That the Committee report no later than June 30, 2007.

Hon. Lowell Murray: Just a word, honourable senators, in support of this motion that will allow the Standing Senate Committee on National Finance to inquire into the important and current issues surrounding both the vertical and horizontal fiscal imbalance, or balance, as the Minister of Finance would have it.

I believe, and the chairman believes, that we could probably have undertaken this within the authority granted by the rules because we are authorized to study matters relating to, among other things, government finance. However, the chairman decided that the prudent thing to do would be to bring a motion asking for a reference, if only to alert honourable senators that the committee is about to undertake this study. As far as the horizontal imbalance is concerned, the work that the committee will do will update a report that our committee made in 2002 on the question of equalization.

While I am on my feet, I want to congratulate the Honourable Senator Ruth on her election yesterday as deputy chair of the committee and to say that my congratulations are not at all lessened by my regret, which she will understand, at the departure of the Honourable Senator Cools from the deputy chairmanship of that committee.

During a period when I had the honour of chairing the committee, Senator Cools, then a Liberal, was deputy chair of the committee and we had a very productive and harmonious collaboration. In congratulating Senator Ruth, I voice what I am sure are the sentiments of the other members of the committee in thanking Senator Cools for her devoted service to the committee and to the Senate in that post.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, Senator Murray was faster on his feet than was I. I will direct a question to him, since I am following upon him. It is a little late for me to put a question directly to Senator Nancy Ruth. I will assume that Senator Murray's explanation of this study would have been given by Senator Nancy Ruth had I been quicker on my feet. I see no indication to the contrary.

I would like to add my voice to Senator Murray's congratulations to Senator Cools. I have crossed swords with her on occasion on other matters, but on matters of national finance before the committee, when I was a member of it some time ago, I stood in awe of her capacity to understand, to grasp quickly what was going on and to understand both the superficial and fundamental issues at stake.

• (1500)

It is entirely appropriate on this occasion to congratulate her on that ability and to thank her for her work, while at the same time offering warm congratulations to her successor. I hope I will get a chance to put a question to her successor before very long.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

ANTI-TERRORISM ACT

SPECIAL COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT

Hon. David P. Smith, pursuant to notice of September 26, 2006, moved:

That, notwithstanding the Order of the Senate adopted on Tuesday, May 2, 2006, the date for the presentation of the final report of the Special Senate Committee on the Anti-terrorism Act be extended from October 5, 2006 to December 22, 2006.

The Hon. the Speaker: Senator Smith, do you wish to explicate?

Senator Smith: Honourable senators, this motion is required because we cannot deal with the current time frame. As some honourable senators will know, a report came out by Mr. Justice O'Connor a week ago. However, he will be making another report, with recommendations, in about a month's time. It seems logical to do this. There is agreement. There have been consultations. The motion speaks for itself.

Hon. Marcel Prud'homme: Honourable senators, this is such an important subject. If someone had disagreed, I would have participated in the debate and stated why I think we should extend the date. Since everyone seems in agreement, I do not see why I should bore you at this time by telling you why you should say yes.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF THE CANADIAN ENVIRONMENTAL PROTECTION ACT

Hon. Tommy Banks, pursuant to notice of September 26, 2006, moved:

That, notwithstanding the Order of the Senate adopted on Thursday, April 27, 2006 the Standing Senate Committee

on Energy, the Environment and Natural Resources, which was authorized to examine and report on the review of the *Canadian Environmental Protection Act* (1999, c. 33) pursuant to Section 343(1) of the said Act, be empowered to extend the date of presenting its final report from October 2, 2006, to March 31, 2007.

The Hon. the Speaker: Would the Honourable Senator Banks care to explain?

Senator Banks: Honourable senators, the reasons for the motion before you have to do with what is probably the largest act of Parliament that exists. I do not know if all honourable senators have seen the Canadian Environmental Protection Act, but it looks like an old family Bible. It is many inches thick.

When first devised, it was an effort to bring together and to streamline all previous legislation having to do with the environment and the ecology and the environmental protection we wanted to afford. It is hard to believe, looking at something as substantive as the CEPA, that it is in fact an effort at streamlining, but it is.

This act deals directly with 37 other pieces of legislation. Before we rose in the summer, our committee spent five weeks of hearings trying to get a handle on this act. We tried to circumscribe exactly how we will do what is undertaken in the reference to our committee by the Senate, which is to do a comprehensive review of CEPA, as is mandated in the legislation. It took us that long to figure out the process by which we would try to do that.

We have broken it down into three basic sections and rails along which we will drive that examination which, as I said, is mandated by the legislation itself and which is two years overdue by virtue of elections, changes in government and so on.

It is the committee's view that we will require the time, in Ottawa, between now and the end of the fiscal year, to complete the mandate to the committee given in the reference by the Senate, to deliver a comprehensive review of the Canadian Environmental Protection Act.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

The Senate adjourned until Thursday, September 28, at 1:30 p.m.

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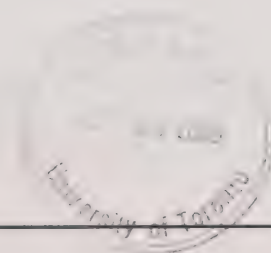
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OFFICIAL REPORT
(HANSARD)

Thursday, September 28, 2006

—

THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Thursday, September 28, 2006

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

SPENDING CUTS TO LITERACY PROGRAMS

Hon. Catherine S. Callbeck: Honourable senators, as part of the Conservative government's spending cuts announced on Monday, \$17.7 million for literacy and adult learning programs will be slashed over the next two years.

At a time when there is a tremendous need for funding to assist with upgrading literacy skills in Canada, this decision is unbelievable, especially considering the federal government's \$13.2 billion surplus. According to Statistics Canada and the Organisation for Economic Co-operation and Development, OECD, four out of 10 adults — that is 9 million Canadians of working age — have serious difficulties because of low literacy skills. If our local and regional literacy programs are no longer federally funded, that will have a devastating effect on our communities.

As we all know, the level of literacy skills among the people in our workforce has a direct link to this country's economic welfare. Increasingly, we find ourselves in a knowledge-based economy, with educational levels rising around the world. A shortage of skilled workers is felt across the country. In this environment, it is disheartening to know that about 42 per cent of Canadians lack the basic reading skills that we all take for granted.

The elimination of this funding for literacy and adult learning will have a negative effect for many Canadians across the country. It will deny them equal access to our labour market and prevent them from reaching their full potential. It will also prevent them from achieving a higher standard of living and from being a full partner in their communities.

The role of the federal government is to help Canadians excel in their lives. The government should not cut these programs and hurt the people who need them the most. In fact, the government should create more of these programs, not eliminate them.

These federal adult learning and literacy programs are well regarded. The programs enable people in our communities to work with their fellow Canadians, helping others to achieve a better quality of life. This is the Canadian way.

The elimination of these worthy programs is short-sighted and contrary to the needs of Canadians. I call on the government to reconsider this decision. I urge the Conservative government to assist rather than to hinder Canadians as they strive to help themselves.

Hon. Joyce Fairbairn: Honourable senators, the anxiety that has been expressed this week in this chamber and well beyond over the federal cuts in literacy programs has now spilled over from the national associations, which have been at the heart of designing and delivering help in learning to those in our society who need it most. I would like to share some thoughts that were expressed to me.

The Movement for Canadian Literacy gave me the following information. In Nova Scotia, seven major programs dealing with family literacy and a multitude of agencies and programs for training community-based organizations will not be funded.

In Prince Edward Island — you have heard our senator from Prince Edward Island, and I have heard her too — that funding is at risk for broad programs to foster plain language in public communication work with community groups, and the successful Story Sacks program used with success in the Provincial Correctional Centre.

In Alberta, programs on the edge are Building the Database for the Literacy Help Line, as well as partnership in an electronic conferencing system for online teaching and learning and tutor training.

In New Brunswick, a program at risk is the world-renowned National Adult Literacy Database developing learning material and research development shared throughout every corner in Canada, built on a 50 per cent sharing basis with the federal government.

Also, Laubach Literacy Canada, Canada's longest-standing program, is in anxiety that it may no longer be in a position to serve as a national organization, operating in both rural and urban societies.

In Nunavut, the culturally-based literacy pilot programs of the Nunavut Arctic College are gone, the co-ordinator's program is in jeopardy and the training for adult educators and the practitioners running the literacy program is gone.

In the Northwest Territories, programs at risk are the Family and Community Literacy Development Program, as well as all the cost-shared programs. Outreach programs at Aurora College will be gone.

At Le Fédération canadienne pour l'alphabétisation en français, the cuts will directly affect thousands of persons who are benefiting from programs that will close.

• (1340)

The National Indigenous Literacy Association, which took years and years to build and has been on a roll for the past two years, is keeping its doors open with loyal volunteers, trying to keep alive a hope that will assist some of our citizens who are most in need.

In Newfoundland and Labrador, in the words of Premier Danny Williams, the current changes show "the difference through the right-wing conservatives and the Progressive Conservatives."

Honourable senators, we have an extremely difficult issue rolling across this country. I know that this chamber appreciates that; I am not sure about the other one. We must get on the bandwagon, from wherever we come, and try to help keep this discussion alive and kicking in every corner of Canada.

[Translation]

ROYAL CANADIAN MOUNTED POLICE

APOLOGY TO MAHER ARAR

Hon. Jean-Claude Rivest: Honourable senators, I would like to draw the Senate's attention to the Maher Arar affair and the testimony given this morning by the Commissioner of the Royal Canadian Mounted Police before a parliamentary committee of the other House.

All senators should be shocked that the Royal Canadian Mounted Police waited so long before publicly admitting its error in Mr. Arar's case. As a senator and as an ordinary Canadian citizen, I wonder why a police force as respectable and respected as the Royal Canadian Mounted Police was incapable of recognizing its error before the commission of inquiry stepped in to point it out. This is all the more shocking given that, if I am not mistaken, the RCMP commissioner told members of the House of Commons that he had informed the American authorities that the RCMP had provided false information. He said that, unfortunately, Mr. Arar was in New York at the time and the Americans did not take the information into account.

The error committed by the RCMP could have happened in any police force. However, members of Parliament should demand, or at least suggest to police officials — whether it is the RCMP or any other police force in Canada — that when they make a mistake concerning a Canadian citizen, they should stand up and admit it rather than wait for millions of dollars to be spent on public inquiries.

ROUTINE PROCEEDINGS

COMMISSIONER OF THE ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

2006 ANNUAL REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the Report of the Commissioner of the Environment and Sustainable Development to the House of Commons for the year 2006.

[Senator Fairbairn]

[English]

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

SIXTH REPORT PRESENTED

Hon. George J. Furey, Chair of the Standing Committee on Internal Economy, Budgets and Administration, presented the following report:

Thursday, September 28, 2006

The Standing Committee on Internal Economy, Budgets and Administration has the honour to present its

SIXTH REPORT

The Subcommittee on Agenda and Procedure (Steering Committee) met during the summer adjournment. Your Committee wishes to report to the Senate the following decisions taken.

Economic Increase for the Senior Executive Group and Managers of the Senate Administration (SEG and MMG-2)

It was agreed that, Senate SEGs and MMG-2s receive a 2.5 per cent increase to salary ranges, effective April 1, 2006, as well a 1.1 per cent increase to at-risk pay for 2006-2007, parallel to increases adopted by the Treasury Board for Public Service executives and Deputy Ministers.

Budget Increases

It was agreed that the budget of the Opposition Whip be increased by \$10,000, for a total of \$50,000, and that an additional amount of \$75,000 be allocated to the Leadership of the Opposition

Respectfully submitted,

GEORGE J. FUREY
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Furey, report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1345)

FOREIGN AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO STUDY EVACUATION OF CANADIAN CITIZENS FROM LEBANON

Hon. Hugh Segal: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Foreign Affairs be authorized to examine and report on the evacuation of Canadian citizens from Lebanon in July 2006; and

That the Committee submit its final report no later than March 30, 2007, and that the Committee retain all powers necessary to publicize its findings until April 30, 2007.

[English]

AGRICULTURE AND FORESTRY

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE

Hon. Joyce Fairbairn: Honourable senators, I give notice that at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Agriculture and Forestry have the power to sit at 5:30 p.m., Tuesday, October 3, even though the Senate may then be sitting and that rule 95(4) be suspended in relation thereto.

[Translation]

THE SENATE

NOTICE OF MOTION TO URGE GOVERNMENT TO RECONSIDER DECISION TO DISCONTINUE THE COURT CHALLENGES PROGRAM

Hon. Serge Joyal: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Senate urge the Government of Canada to reconsider its decision to discontinue the Court Challenges Program which has enabled citizens to seek redress and assert their rights guaranteed under the Constitution and particularly the Charter of Rights and Freedoms;

That the Standing Senate Committee on Official Languages be authorized to study and report on the benefits and results that have been achieved through the Court Challenges Program;

That the Committee submit its final report no later than December 22, 2006; and

That a message be sent to the House of Commons informing it that the Senate regrets the Government's decision to terminate the Court Challenges Program and urges it to take action to persuade the Government to reconsider that decision.

FIRST NATIONS INVOLVEMENT IN NATIONAL AND INTERNATIONAL AFFAIRS

NOTICE OF INQUIRY

Hon. Aurélien Gill: Honourable senators, I give notice that on Wednesday October 4, 2006:

I will call the attention of the Senate to the Government of Canada's position on the First Peoples on the national and international level.

QUESTION PERIOD

FOREIGN AFFAIRS

PAKISTAN—COMMENTS BY PRESIDENT

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, Canadians have reason to be disturbed by the recent comments by the President of Pakistan to the media. The lack of knowledge and sensitivity demonstrated by the leader of one of Canada's close allies in the fight against terrorism raises grave concerns. I believe Canadians are disappointed that their government has yet to come forward with a response to these disturbing comments.

Can the Leader of the Government in the Senate tell us whether the Prime Minister or a member of the government has raised this matter with President Musharraf?

• (1350)

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question. I am aware of the comments of the President of Pakistan. I read them and the government has taken note of his comments.

As the Prime Minister mentioned yesterday when he was attending the summit of la Francophonie, he had not seen the full context of President Musharraf's remarks. However, it is important that governments of all countries cooperate with each other in dealing with the terrorist threat that is predominant along the border between Pakistan and Afghanistan.

Senator Hays: I thank the Leader of the Government in the Senate, and I must agree about the gravity of the situation in which we find ourselves — in particular, in this theatre. However, I think Parliament, on behalf of Canadians, is obliged to raise this matter. I would be very surprised if this matter rests where it is. I say this after discussing this issue with some people and as a parliamentarian with a responsibility to seek information from the government. What is going to be done? The honourable senator has not indicated whether anything has happened or what is planned. To the best of our knowledge, nothing has occurred yet, but I ask again.

I assume the Prime Minister or the Minister of Foreign Affairs has contacted President Musharraf, but something must be done, in my opinion. I ask on behalf of Canadians, what are the government's plans?

Senator LeBreton: It is natural that people would be concerned about some of the comments that the President of Pakistan made in his interview. I was certainly concerned about the lack of knowledge about how many Canadian soldiers were killed.

I will not escalate the situation other than to say that Canada recognizes that Pakistan is a very important country in the shared goal of rooting out international terrorism. We acknowledge that Pakistan has suffered many casualties as well.

I do not know whether there is anything to be gained by anyone escalating the situation. I am sure, at the appropriate time, that the Prime Minister and/or the Minister of Foreign Affairs will have meetings with their Pakistani counterparts and they will inform us, once these meetings have taken place, what transpired.

Senator Hays: It is not a matter of escalating; it is a matter of de-escalating. I think de-escalating can only occur if the point is made on behalf of Canada that President Musharraf is not well informed on the topic.

I am pleased that the honourable senator indicates that the Prime Minister and the appropriate ministers, presumably the Minister of Foreign Affairs, will be contacting their counterparts so I will leave the matter with her. I do not want to dwell on it longer, but we are anxious to know on behalf of the Canadians when this will happen, and ask that the subject be pursued with the ministers and to let us know.

Senator LeBreton: It is fair to say that all Canadians realize the great commitment this country is making in Afghanistan. The comments of the President of Pakistan were made in a television interview. At the moment, I have no knowledge if the Minister of Foreign Affairs has had a chance to speak with his counterpart, or when he will be meeting with him, but I will be happy to share the results with this chamber when I have them.

• (1355)

NATIONAL DEFENCE

PAKISTAN—INVOLVEMENT IN WAR ON TERRORISM

Hon. Hugh Segal: My question is for the Leader of the Government in the Senate. When she is inquiring with respect to representations that have been made in other matters, I wonder whether she could inquire and report back to this chamber with respect to what guarantees the Government of Pakistan has given the Government of Canada relative to interdictive activity in those border territories from which Taliban are being re-armed, from which materiel are being sent to support various forces working against the coalition activities to try to suppress that level of terrorism and share what these precise guarantees are from the Government of Pakistan, what their undertakings to us have been in the past and what we may be asking of them with respect to the future.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thank the honourable senator for that excellent question. These are concerns of a great many citizens of the world, let alone of Canada. President Karzai, when he was here last week, made it clear that he indeed feels there is a serious problem there. I will be happy to provide that information to honourable senators.

[Senator LeBreton]

[Translation]

HEALTH

REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY ON MENTAL HEALTH— GOVERNMENT RESPONSE

Hon. Aurélien Gill: Honourable senators, my question is for the Leader of the Government in the Senate. It has to do with the final report of the Standing Senate Committee on Social Affairs, Science and Technology on mental health. The minister should be very familiar with the study, since she took part in it and contributed to it.

Acclaimed by all, the report was published on May 9, 2006. Since that time, thousands of Canadians have been waiting for the government's response to the recommendations made.

As we all know, this is an urgent situation. After the tabling of that report, many people were convinced that mental illness would quickly emerge from the shadows.

Can the Leader of the Government in the Senate tell us how and when the government intends to respond to that report?

[English]

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for that question. I am well aware of the recommendations, having been a member of that committee under the chairmanship of Senator Michael Kirby.

Mental health, as we found out in that committee, touches practically every single Canadian. Every single one of us on the committee has members of our own families suffering from some form of mental illness.

At the moment, the Minister of Health is reviewing the Senate study. It has formed part of ongoing discussions that he has had with the provinces. I expect that, in the not-too-distant future, Minister Clement will be responding on behalf of the government, once he has completed his consultations with his various provincial and territorial counterparts as to how the government intends to proceed with the recommendations.

[Translation]

Senator Gill: Honourable senators, you are aware that the main recommendation was to create an independent Canadian Mental Health Commission with responsibility for coordinating efforts to improve service delivery and research and reducing stigmatization and suffering.

Can the Leader of the Government in the Senate tell us whether the current government is committed to acting on the recommendation to establish this commission? If so, have meetings begun with health care sector representatives — you mentioned a moment ago that the minister was meeting with the provinces — and with Aboriginal peoples, because a number of parties are involved in this study, in order to discuss the steps that must be taken to put this commission in place and appoint its head?

[English]

Senator LeBreton: When this issue arose before we recessed for the summer, I did report that the government, even in the last election campaign, supported the proposal of a mental health commission to coordinate and tie together all of the work that has to be done in this area. I was interested to read in this morning's paper about the Honourable Michael Wilson and his comments on the whole issue of mental illness. Of course, as we know, the Honourable Michael Wilson is a strong advocate for dealing with the stigma of mental illness and moving forward to address this serious issue because of the personal tragedy he suffered in his own family.

• (1400)

PUBLIC SAFETY AND EMERGENCY PREPAREDNESS

FIREARMS CENTRE— PROPOSAL TO ABOLISH LONG-GUN REGISTRY

Hon. Joan Fraser: Honourable senators, my question is for the honourable minister responsible for Montreal. We know that violence occurs everywhere. We know that in Canada gun violence, including bloody rampages, have occurred too often in various places but nowhere have they occurred so tragically often as in Montreal. There is probably no Montrealeur who was not personally affected, or at least does not know someone personally affected, by one of the rampages we have known. Marc Lepine killed 14 women at École Polytechnique; Valery Fabrikant killed four at Concordia University; and Kimveer Gill killed one person and wounded 20 at Dawson College. Every one of us has been touched. I perhaps like you, minister, am acquainted with people who have been affected by all of those tragedies. Although this was not in Montreal, we also recall the bloody rampage of Corporal Denis Lortie in the Quebec National Assembly. Montrealeurs have a direct personal experience of the violence that can be wrought by guns in the wrong hands, and that is probably why hundreds of thousands, if not millions, of Montrealeurs have such a strong commitment to gun control.

I wonder how the minister can go home and tell Montrealeurs, and explain to Montrealeurs and justify to Montrealeurs the policy of his government to loosen gun control and to abolish the long-gun registry and to slash the budget of the Canadian Firearms Centre and to declare amnesties for the people breaking the law as it now stands. How can that be justified to the people of Montreal?

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, I am the father of five young children. When I was 10 years old my father explained to me, on a Tuesday afternoon, such a horrific and tragic event. I have had to do this too often with my own kids. I visited Dawson College 36 hours after the tragedy. The honourable senator and everyone else in Montreal and outside of Montreal were deeply affected by this horrific event. Clearly, it is wished by all that this is the last of such events for a very long time.

As Senator Fraser is aware, several members of her party were mixing up issues and trying to make political gain on the back of this horrific shooting shortly after the shooting occurred — in my opinion too shortly after. The Montrealeurs that I know, perhaps

not the ones that the honourable senator knows, make the difference and distinguish between fact and fiction. They understand that the long-gun registry had nothing to do with the Dawson tragedy. They also understand that this government stands for law and order and that this government is tough on violent criminals. We have tabled already a number of bills, as the senator knows, and others are forthcoming.

The Montrealeurs that I speak to are quite pleased not only that the government is addressing this situation properly but also that it does care about violent crime and about ensuring that violent criminals are put behind bars for a very long time.

Senator Fraser: Allow me to quote two people, neither of whom can be accused of belonging to either the minister's or my political party. One is a former Quebec Minister of Justice, who said, I thought in very serious and sober terms that the long-gun registry cannot deter every lunatic in the world. We know that. However, he said it can help and, in particular, it can help as a measure of control over people who are not so blindly lost that they do what Mr. Gill and Mr. Lepine did.

• (1405)

The minister knows as well as I do that, indeed, the long-gun registry was a useful tool in stopping a copycat killing just a few days after Mr. Gill's murderous rampage.

The second person I would like to quote is young Mr. Hayder Kadhim, who was one of those wounded at Dawson College. He still has two bullets in his head. He has said that he cannot understand why the Government of Canada wants to loosen the gun control system, and that he would very much like to meet with the Prime Minister to discuss the matter with him.

Can I have the assurance of the minister that he will intervene on Mr. Kadhim's behalf and ask the Prime Minister to meet him and to explain his position?

Senator Fortier: Honourable senators, with regard to the gun registry, the only thing I would tell the honourable senator with respect to the one billion plus dollars that her party spent on a failed registry is to think about the number of lives we could have saved if the monies had been spent on profiling and ensuring that people like the perpetrator at Dawson College, who was clearly sick and deranged when he bought these firearms and who should not have had a firearm, had not obtained a firearm.

We did not have the political audacity, as members of the party opposite did, to go on the airwaves a few hours after the shooting to suggest that the former government was responsible for this tragedy. Frankly, this firearm was bought under the Liberal watch by a clearly deranged and sick individual. We did not do that. That is because there is something called class, respect and objectivity, which is something the honourable senator clearly does not understand.

Second, if somebody wants to meet the Right Honourable Stephen Harper, he has an office and representatives. If the request is sent to his office, I am sure he will consider it.

Senator Fraser: Honourable senators, the minister mixes apples and oranges here to some extent.

Everybody regrets the \$1 billion, but it is gone. The Auditor General, a person of unassailable integrity and professionalism, has reported that the problems with the gun registry have been corrected.

I could not agree more about the need to tighten the system to try to ensure that deranged persons do not buy guns, but I do not think the one excludes the other. One can have a good registry and a good profiling system.

Senator Fortier: The honourable senator's question further reinforces my point. She is disconnected from reality, and probably from Montrealers as well. For her to believe that because her government misspent \$1 billion and the Auditor General has reported then it is fine and we cannot talk about it again is ridiculous. The honourable senator is lecturing us on what we should be doing with the long-gun registry when members opposite had a chance for 13 years to deal with real and violent crime in Canada and they did absolutely nothing.

I will not take a lecture from either the honourable senator or anyone on that side of this chamber.

Some Hon. Senators: Hear, hear!

An Hon. Senator: Run in the by-election!

• (1410)

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE HEARINGS ON FEDERAL ACCOUNTABILITY BILL

Hon. David Tkachuk: Honourable senators, I, like many Canadians, have been following the proceedings of the Standing Senate Committee on Legal and Constitutional Affairs on Bill C-2 and would like to take this opportunity to ask the chair of that committee a few questions pertaining to the hearings that have been taking place.

Could the chairman advise the chamber, as I am sure we are all interested, of the number of hours of hearings the committee has held on Bill C-2 since the Senate recessed in June? Although I cannot ask for details about committee deliberations at this time, would the chair tell us how many witnesses have appeared on Bill C-2? With regard to the selection of witnesses, could the chair advise this chamber if he proposed a list of witnesses and if those witnesses were invited to appear?

Hon. Donald H. Oliver: I would like to thank the honourable senator for that question, although I am a bit surprised.

Honourable senators, as of 1:20 p.m. today, when the committee adjourned until next Wednesday, the committee had sat for more than 75 hours on Bill C-2. During that time, the committee heard from more than 120 witnesses. Needless to say, there is now beginning to be a great deal of repetition in the words coming from the witnesses and the questions posed to the witnesses. Almost enough time has been spent on this matter.

[Senator Fraser]

Senator Tkachuk: Honourable senators, I am very impressed with how well informed the chairman is, so I will ask one more question.

I am sure it is a matter of public record, but when Bill C-2 was before the committee in the other place, how many hours of study were devoted to it and how many witnesses appeared?

Senator Oliver: Honourable senators, my instructions are that the committee in the other place sat for a total of 90 hours, including four days of clause-by-clause consideration from 8 a.m. to 9 p.m. They heard from perhaps less than 80 witnesses, while we have already heard from 120 witnesses.

FINANCE

FISCAL IMBALANCE BETWEEN PROVINCES

Hon. Dennis Dawson: Honourable senators, being the chamber of sober second thought, I guess we could concentrate a few more hours on that bill. There are many facets to it. However, that is not the subject of my question.

[Translation]

Honourable senators, my question is for the minister responsible for Quebec. Having promised to correct the fiscal imbalance, the Prime Minister is now putting off doing what he promised. It is reasonable to assume that this promise played an important role in the election of a number of Conservative members in the Quebec City area.

After the Prime Minister failed to keep his promises regarding the Quebec City zoo and bridge, now we learn that the Prime Minister is renegeing on his promise to correct the fiscal imbalance when he brings down his next budget.

Can the Minister of Public Works and Government Services confirm that the cabinet does not intend to keep the promise it made last December 19 regarding the fiscal imbalance?

Hon. Michael Fortier (Minister of Public Works and Government Services): I thank Senator Dawson for his question. I will get to the heart of the matter, because I do not think he wants to discuss the Quebec City zoo or bridge.

Having heard the interview Prime Minister Harper gave to Bernard Derome, I think it is clear that the commitment to correct the fiscal imbalance is still there and is even stronger.

I am very happy to hear Senator Dawson raise this issue in this chamber, because he used to deny that there was a fiscal imbalance, whereas today he wants to make sure the government will deal with the issue.

I am happy to see that, like us, Senator Dawson hopes the issue of the fiscal imbalance will be corrected.

Senator Dawson: I had also asked the minister to define the fiscal imbalance, because it has to be recognized that allocation of tax resources in Canada poses a problem.

• (1415)

As the saying goes, a bird in the hand is worth two in the bush. Since the Conservative government was elected, much has been held out but nothing actually delivered on the promise to resolve the fiscal imbalance.

Can the minister reassure us about other promises, namely promises to do with Quebec City's bridge, port and zoo? As you know, the Premier of Quebec is starting to lose patience with this federal government that is long on words and short on action.

Instead of continuing to give us smoke and mirrors by promising yet again to resolve the fiscal imbalance one of these days, not right away, soon, later, can the Minister of Public Works and Government Services stop treating us like children and confirm our suspicions that the fiscal imbalance does not exist?

Senator Fortier: Honourable senators, the last thing I think about the honourable senators opposite and on this side is that they are children.

You spoke of what has actually been delivered. With all due respect, allow me to make the following suggestion.

According to the latest poll, some 6 per cent or 7 per cent in the Quebec City area would vote for the Liberal Party. Accordingly, I know there are very few of you left in the Quebec City area.

Nonetheless, outside this circle you will see, when it comes to something actually delivered, that lowering the GST and helping young families were two promises we kept. The help we have started to offer in order to cut wait times in hospitals is another promise we kept. The five priorities promised were delivered.

That is why our party is enjoying greater popularity than yours is in Quebec, as you know.

The fiscal imbalance does exist. If you do not think so, then you should consult your colleagues in the other place because they recognize that the fiscal imbalance exists and are pushing the Prime Minister to keep his promise, which he will do very shortly.

LABOUR

ASSISTANCE FOR SENIOR WORKERS

Hon. Céline Hervieux-Payette: My question is for the Minister of Public Works and Government Services.

It has been said and written that the reason why Prime Minister Harper went against his principles and appointed you to the Senate was to represent the interests of the citizens of Montreal. We have learned that the city is excluded from the Ottawa-Quebec agreement on assistance to laid-off older workers.

We would like you to explain why you have been unable to defend the interests of older workers in Montreal even though you are a member of government.

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, first I would like to say that you are speculating about the contents of an agreement that has not

yet been unveiled. I invite you to ask me a question after the agreement is announced and you have the requisite facts and information.

Senator Hervieux-Payette: I was just reminding the minister of his role as Montreal's representative. In the Liberal government, when I was in the other place, we extended this benefit to all workers who retired on account of difficulties in their industry. This benefit was available in several sectors and throughout the province. I would like the Minister to take note of this.

INDUSTRY

QUEBEC—ASSISTANCE TO AEROSPACE SECTOR

Hon. Francis Fox: Honourable senators, my question is also for the minister responsible for the Montreal region and pertains to the Canadian civil aerospace industry.

As the minister knows, I attended the ceremony marking the 20th anniversary of Bell Helicopter in the greater Montreal area, which was presided by the Minister of Industry, Mr. Charest and the president of Bell Helicopter.

Bell Helicopter is a good example of what can be achieved when the private and public sectors collaborate, especially in such a vital sector.

More than half the jobs in Canada's aerospace sector are located in Montreal. This includes such companies as Bombardier, Pratt and Whitney, Bell Helicopter and CMC.

The minister knows that his party made a campaign promise in the 2005 election to cancel the aerospace industry funding program. That commitment has been tossed on the scrap heap. In order to reassure the industry, employees and all parties working in this sector in greater Montreal and in Canada, is the minister able to assure us this government will continue to fund the civil aerospace industry?

• (1420)

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, this gives me the opportunity to point out to this Chamber that, for the senators who were not invited, not only was Senator Fox present in the room when he was recognized for having convinced Bell Textron to move to Mirabel 20 years ago, but Monique Landry, Bob Brown, Ed Lundley and he were recognized at the time by the company. As I indicated in my address, this was a remarkable gesture, 20 years later, for you worked very hard to ensure that Bell Textron would move to Mirabel. This honour was well deserved.

That being said, you are in no doubt that I am very concerned about aeronautics, aerospace and defence. I will therefore respond quickly with two points.

First, many of these programs fall under the responsibility of the Minister of Industry. That minister clearly indicated that he was reviewing these programs and that he would soon report and deliver a concept. We must therefore allow him to submit his ideas before making any comments.

Second, I would like to point out that the very important announcements made this summer regarding military spending, although not for the civil sector, will have a considerable impact on civil industry, throughout Canada — but especially in Montreal — because we are going to insist that all manufacturers, whether of airplanes, helicopters or anything else, reinvest one dollar in Canada for every dollar that they receive. In certain cases, these spinoffs will reach the civil sector.

Senator Fox should know this, since I know that he is in regular contact with the industry. The civil aerospace industry in Montreal is being encouraged by this government through future prospects and especially thanks to our management of defence procurement.

Senator Fox: I have an additional question, which will be my last. I thank the minister for his answer. I will have to change the slightly aggressive tone of my additional question, given the compliments the minister was kind enough to pay me.

I recognize the minister's interest in the aerospace industry in Montreal, but I am especially concerned about the future of the support programs, because to take just one example, when a company like Pratt & Whitney wants to develop a new technology, a new engine, it is competing with other Pratt & Whitney plants around the world. Plants in the United States have access to Pentagon programs, while those in Montreal do not. That is why it is important for this sector to have access to government assistance programs. This was recognized in a document entitled *National Aerospace and Defence Strategic Framework*, written in collaboration with representatives of the industry, academia, employee associations and the federal and provincial governments and released last November by his colleague, David Emerson.

What worries me is that, in the wake of last week's announcements of cuts, \$42 million was cut from the Technology and Partnerships Program. I would ask the minister to reassure us that this is not an ongoing trend and that this program or a similar but better program — because we can always do better — will always be there to support Montreal's and Canada's aerospace industry.

Senator Fortier: Honourable senators, you will understand that the action the minister has proposed will be that of the Conservative government. Mr. Bernier is currently reviewing the programs. I am confident that once that review has been completed, and once these very important contracts have been awarded to the aerospace industry in Quebec, the industry will be very encouraged by the employment prospects and this Conservative government.

• (1425)

[English]

DELAYED ANSWER TO ORAL QUESTION

Hon. Terry Stratton (Acting Deputy Leader of the Government): Honourable senators, I have one delayed answer, in response to an oral question posed in the Senate on June 28, 2006, by

the Honourable Mac Harb, regarding legislation to control second-hand smoke.

LABOUR

LEGISLATION TO CONTROL SECOND HAND SMOKE

(Response to question raised by Hon. Mac Harb on June 28, 2006)

Canada is a signatory to the "Framework Convention on Tobacco Control" of the World Health Organization (WHO FCTC) which provides the guiding principle for domestic tobacco control policies. Article 8, Section 2 of this convention which is the basis for the Honorable Senator's question states:

Each party shall adopt and implement in areas of existing national jurisdiction as determined by national law and actively promote at other jurisdictional levels the adoption and implementation of effective legislative, executive, administrative and/or other measures, providing for protection from exposure to tobacco smoke in indoor workplaces, public transport, indoor public places and, as appropriate, other public places.

The government is committed to this article and indeed the entire convention. The Government of Canada's policies are fully consistent with the convention and achieve the tobacco control objectives as specified in article 8.

- The *Non-Smokers' Health Act* has governed federally-regulated workplaces since 1989. The *Act* bans smoking in federal workplaces except in designated and regulated smoking rooms/areas. The purpose of these areas is to allow those who are addicted to smoking to do so but only in the company of other smokers. Regulation of these areas implies that second hand smoke should not affect the health of non-smokers. The question of whether or not designated smoking areas should be totally eliminated requires assessment of its implications both for those addicted to smoking and non-smokers.
- The government's *Tobacco Control Program* is designed to allow for the government to work with other governments and voluntary associations to develop and implement comprehensive and integrated approaches to increase awareness and education concerning the health hazards of smoking, and to reduce smoking significantly.
- And, finally, the government has used the tax system to raise the monetary cost of smoking to a level that it creates strong incentives not to begin smoking and for smokers to stop. Overall Canadian taxes have grown from an average of \$27.00 per carton in 1997 to \$50.00 per carton in 2005. The federal government works together with the provinces to coordinate tobacco-related tax policies.

[Senator Fortier]

The smoking rate for Canadians aged 15 and older has declined considerably over time, from 50 per cent in 1965 to 19 per cent in 2005, indicating the success of tobacco control policies. Indications are that the rate will continue to fall.

ORDERS OF THE DAY

PUBLIC HEALTH AGENCY OF CANADA BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Keon, seconded by the Honourable Senator Meighen, for the second reading of Bill C-5, respecting the establishment of the Public Health Agency of Canada and amending certain Acts.

Hon. James S. Cowan: Honourable senators will note that this bill is identical to Bill C-75 tabled in the House of Commons on November 16, 2005, by the Honourable Carolyn Bennett, then Minister of State for Public Health. That bill died on the Order Paper upon the dissolution of Parliament on November 19, 2005.

I commend the government for reintroducing this legislation, which will provide the statutory underpinning for the Public Health Agency of Canada, established in September 2004, by Order-in-Council.

It is important to recall the historical background to the introduction of Bill C-75, now Bill C-5. The need to improve and strengthen coordination in the area of public health was highlighted as a consequence of the SARS outbreak of 2003. In response, the Liberal government of the day appointed the National Advisory Committee on SARS and Public Health, chaired by Dr. David Naylor, to study the circumstances surrounding the outbreak.

The Naylor committee reported in November, recommending that a public health agency be created to provide a coordinated and collaborative approach to address public health issues. This need was supported from this place by the Standing Senate Committee on Social Affairs, Science and Technology, in November 2003, when it delivered a report concurring with the Naylor report. Consequently, the government appointed Dr. Bennett as Minister of State for Public Health.

In May 2004, she outlined a plan to establish a new public health agency for Canada in conjunction with public health centres across the country. Under Dr. Bennett's leadership, extensive consultations took place through a working group with the provinces, health professionals and other stakeholders. The working group reviewed public health models in other jurisdictions and consulted with various stakeholders and also concluded that a public health agency and public health officer were needed.

In September 2004, the Public Health Agency of Canada was created by Order-in-Council. Dr. David Butler Jones was appointed as the first Chief Public Health Officer for Canada. The agency has since defined its mission as "promoting and protecting the health of Canadians through leadership, partnership, innovation and action in public health." I am sure all honourable senators will agree that this is an admirable and important mission.

In April 2005, the Canadian Public Health Network was established, allowing federal, provincial and territorial jurisdictions to plan for public health issues together. As I said a few moments ago, Dr. Bennett introduced Bill C-75, the predecessor to the present bill, in November, 2005.

Honourable senators, this bill is not a comprehensive public health act but, rather, a technical bill to establish the agency on a legislative basis. This legislation recognizes the importance which this government and the previous government, and indeed all citizens of Canada, give to public health and the need to take measures at the federal level to promote collaboration amongst federal departments and agencies. The bill also recognizes that, in order to have a truly effective public health system, it is essential to enlist the consultation and cooperation of the provinces and territories and their agencies, together with international organizations and other interested parties.

• (1430)

The purpose of the agency is to assist the Minister of Health in exercising and performing his or her powers, duties and functions relating to public health. The agency will continue as a government department separate from Health Canada, but as both organizations are part of the health portfolio, they will report to the Minister of Health.

The Chief Public Health Officer for Canada will become the government's lead health professional in relation to public health issues. As such, this individual may communicate with other governments, public health authorities and other organizations in the field of public health within Canada and internationally.

The Chief Public Health Officer may also provide information to, or seek the views of, the public, voluntary organizations in the field of public health or the private sector.

The act contains provisions for the regular reporting by the Chief Public Health Officer to Parliament on an annual basis, and additionally, as the individual may wish, in relation to other public health issues as they may arise.

The agency will bring a focus and prominence to public health needs of Canadians and create a federal focal point to work cooperatively with provinces and territories and other stakeholders in preparing for, and responding to, public health threats.

In conclusion, I urge all honourable senators to support this bill, and to expedite its progress through the legislative processes of this chamber so that the bill can be brought into full force and effect as soon as possible.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: When shall this bill be read the third time?

On motion of Senator Stratton, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.

HAMID KARZAI PRESIDENT OF THE ISLAMIC REPUBLIC OF AFGHANISTAN

AUTHORIZATION TO APPEND ADDRESS TO MEMBERS OF THE SENATE AND THE HOUSE OF COMMONS

Hon. Terry Stratton (Acting Deputy Leader of the Government), pursuant to notice of September 27, 2006, moved:

That the Address of His Excellency Hamid Karzai, President of the Islamic Republic of Afghanistan, to Members of both Houses of Parliament, delivered on September 22, 2006, together with the introductory speech by the Right Honourable the Prime Minister of Canada and the speeches delivered by the Speaker of the Senate and the Speaker of the House of Commons, be printed as an Appendix to the *Debates of the Senate* of this day and form part of the permanent records of this House.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

(For text of speeches, see Appendix, p. 785.)

NATIONAL BLOOD DONOR WEEK BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Mercer, seconded by the Honourable Senator Cochrane, for the second reading of Bill S-214, respecting a National Blood Donor Week.—(Honourable Senator Comeau)

Hon. Catherine S. Callbeck: Honourable senators, I am pleased to rise in the Senate chamber today in support of Bill S-214, a bill respecting National Blood Donor Week, to be held in conjunction with the World Health Organization's World Blood Donor Day on June 14.

Most of us have seen advertisements that Canadian Blood Services air on television. We have heard the stories of joy and gratitude from those people whose lives have been saved by blood products.

Last spring, Senator Mercer spoke of seven-year-old Shanelle of Winnipeg, who is now able to laugh and play with her friends, cancer-free. Senator Carstairs told us about her son-in-law, who survived a rare disease last winter with the assistance of daily units of blood.

There are heartwarming stories from my home province of Prince Edward Island as well. A gentleman named Silbert had a terrible farming accident where he suffered severe injuries. He says, and I quote:

Why I am alive today, I don't know, but it had to be that people cared. People took the time to give blood, because it was there when I needed it.

We know how important our blood and blood products system is, but we are not acting on this knowledge. Of all Canadians who are eligible to donate blood, less than 4 per cent actually do, and every day the need is there. More than half of Canadians have required blood or blood products for themselves or for a family member.

Anyone can be touched. A cancer patient receiving treatments can require up to eight units of blood per week. The victim of a car accident might need up to 50 units of blood. Most organ transplants can require up to 10 units of blood, while the procedure for a liver transplant alone might require up to 100 units.

This bill is important because the Canadian Blood Services needs approximately 80,000 more new donors to meet increasing demands for blood and blood products.

By establishing a National Blood Donor Week, we can recognize the life-saving contributions of our donors. We can praise the countless volunteers of the Canadian Blood Services and Héma-Québec for their tireless hard work and dedication, we can increase awareness of both blood and blood product donation and we can actively encourage more Canadians to become regular blood donors.

Honourable senators, that is why I support this bill, and I encourage all of you to do so.

On motion of Senator Stratton, debate adjourned.

• (1440)

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF MATTERS RELATING TO AFRICA

Hon. Hugh Segal, pursuant to notice of September 27, 2006, moved:

That, notwithstanding the Order of the Senate adopted on Tuesday, May 9, 2006, the Standing Senate Committee on Foreign Affairs, which was authorized to examine and report on issues dealing with the development and security challenges facing Africa; the response of the international community to enhance that continent's development and

political stability; Canadian foreign policy as it relates to Africa; and other related matters, be empowered to extend the date of presenting its final report from October 31, 2006 to December 22, 2006; and

That the Committee retain until January 31, 2007 all powers necessary to publicize its findings.

He said: Honourable senators, to ensure that senators travel as little as possible during the time when we all have obligations in committees and here in the chamber, the visit with respect to Africa will take place over the Thanksgiving break. That will make it impossible for us to report by the first date, which is why we are asking the consent of this chamber for a modest extension thereto.

Hon. Joan Fraser (Deputy Leader of the Opposition): I have a quick question for the chair of the committee. I take it there is no change in the budgetary requirements.

Senator Segal: We still hope to come in under the amount for which we have permission.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF SOFTWOOD LUMBER AGREEMENT

Hon. Hugh Segal, pursuant to notice of September 27, 2006, moved:

That, notwithstanding the Order of the Senate adopted on Wednesday, June 28, 2006, the Standing Senate Committee on Foreign Affairs, which was authorized to study and report on the Canada-United States agreement on softwood lumber, be empowered to extend the date of presenting its final report from October 2, 2006 to November 30, 2006.

He said: Honourable senators, because of the Senate committee travelling to Africa and the fact that other matters are being addressed that may be germane to this inquiry in the other place, by means of a ways and means motion, which at some point may find itself being discussed in this location, the extra time asked for will allow us to have ample opportunity to pursue the inquiry that this chamber asked us to undertake by reference some time ago. We do not expect any increase in committee costs as a result.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

COMMITTEE AUTHORIZED TO EXAMINE NAME CHANGE OF FOREIGN AFFAIRS COMMITTEE TO INCLUDE INTERNATIONAL TRADE

Hon. Hugh Segal, pursuant to notice of September 27, 2006, moved:

That the Standing Committee on Rules, Procedures and the Rights of Parliament be authorized to examine and report on the following:

That rule 86(1)(h) of the *Rules of the Senate* be amended to read:

"The Senate Committee on Foreign Affairs and International Trade, composed of twelve members, four of whom shall constitute a quorum, to which shall be referred, if there is a motion to that effect, bills, messages, petitions, inquiries, papers and other matters relating to foreign and Commonwealth relations generally, including:

- (i) treaties and international agreements;
- (ii) external trade;
- (iii) foreign aid;
- (iv) territorial and offshore matters.";

That the Committee submit its final report no later than December 22, 2006.

He said: Honourable senators, this discussion is a follow-up to a discussion that took place in this chamber on June 20, led by my colleague on the committee, Senator Stollery, speaking for the majority, as well as a discussion that took place on June 28 in which Senator Austin spoke in favour of the proposition. I can report an absolute consensus from both the majority and the minority side in the committee with respect to having this matter be considered by this chamber and, if so inclined, referred for consideration to the Standing Committee on Rules, Procedures and the Rights of Parliament.

Hon. Marcel Prud'homme: Thank you. I am delighted that we corrected and are about to correct what was, in my view as a very old parliamentarian, an immense mistake that was made to accommodate some people. However, it was a mistake to have split the department, as we have said in the Senate. Some people were not in agreement with us that it was a mistake and they went ahead with it.

To recall the debate, as honourable senators know, the House of Commons passed a motion while the government was in opposition, so that the government of the day, which means the government of today, would have "la cohérence et la cohésion." They voted against the split when they were in opposition, and now that they are in power, they have followed up on this vote that took place some time ago by reinstituting the committee.

I know I am not speaking only for myself today. I will not embarrass colleagues who might share my view. At that time we in the Senate were ready to fight that split, which did not serve Canada's interests. However, now we are back to reality and I congratulate the chairman for having seen fit to put the issue to the committee and to recommend that we proceed with this new title. I want to join with those who believe, as I do, in thanking him for his promptness. I know that the departmental people will be extremely happy. The split created a lot of friction for people who serve Canada in difficult situations. What happened in the past was callous, causing depression and everything that goes with it. Now the situation is back to normal and I am very happy about it.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

ADJOURNMENT

Hon. Terry Stratton (Acting Deputy Leader of the Government): Honourable senators, with leave of the Senate, and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, October 3, 2006 at 2p.m.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, October 3, 2006, at 2 p.m.

APPENDIX**Address****of****His Excellency Hamid Karzai****President of the Islamic Republic of Afghanistan****to****both Houses of Parliament****in the****House of Commons Chamber, Ottawa****on****Friday, September 22, 2006**

*His Excellency Hamid Karzai was welcomed
by the Right Honourable Stephen Harper, Prime Minister of Canada,
by the Honourable Noël A. Kinsella, Speaker of the Senate
and by the Honourable Peter Milliken, Speaker of the House of Commons.*

APPENDIX

**His Excellency Hamid Karzai
President of the Islamic Republic of Afghanistan**

Address to Members of the Senate and the House of Commons:

Hon. Peter Milliken (Speaker of the House of Commons): I call upon the Right Hon. Stephen Harper, the Prime Minister of Canada, to address this joint session.

[Translation]

Right Hon. Stephen Harper (Prime Minister, CPC): Mr. Speaker of the House of Commons, Mr. Speaker of the Senate, colleagues from both Houses of Parliament, distinguished guests, ladies and gentlemen.

Mr. Speaker, today it is my great pleasure to introduce His Excellency, President Hamid Karzai, President of Afghanistan.

[English]

Before I get to his introduction, I know the President will understand and forgive me for taking a few minutes to acknowledge some others, because there are some very important people with us here today. Were in not for them, in fact, President Karzai might not be here.

Afghanistan might still be ruled by tyrants and terrorists. Their courage and their commitment is the steel in Canada's national will to fight against global terrorism and to fight for peace and security in Afghanistan.

They are the wives, husbands, mothers, fathers, sons, daughters and comrades of the brave Canadians who are rescuing and rebuilding President Karzai's long-suffering homeland. Among them are veterans of that noble mission, including some who have shed their blood on Afghan soil.

I know everyone in this House will join me in saluting them for their courage and sacrifice.

And now, Mr. Speaker, I would like to introduce to this House the first democratically elected leader in the history of Afghanistan, Hamid Karzai.

In October 2004, he won a clear majority over 22 other candidates. He took 55 per cent of the over eight million votes cast, and may I say that I am very impressed and more than a little envious of this record of electoral success, but we should not be surprised by it.

[Translation]

A proud Pashtun born in Kandahar, Mr. Karzai speaks six languages and attended universities in Kabul and India. He began participating in his country's political life early on. He has witnessed more upheaval and confrontation than any of us can even imagine. As President, he has faced even more dangers.

[English]

In the 1980s, when he was a student in India, his beloved country was invaded and occupied by the Soviets.

He became an important figure in the Afghan popular resistance movement and helped the mujahedeen drive out the communists.

When the Taliban seized power in the 1990s, Hamid Karzai took a stand for his country once again, but his refusal to collaborate with the fanatical regime was a costly one.

He was forced to live in exile and therefore was not at home when his father was assassinated, almost certainly by agents of the Taliban.

A lesser man might have retreated from public life. However, Hamid Karzai stepped forward again in 2001 to bring political and economic progress to his people after the Taliban were ousted from power by a coalition of countries acting under the mandate of the United Nations.

He embarked on a campaign to persuade the international community to donate resources needed to rebuild his shattered country.

[Translation]

When the leaders of the Afghan tribes met in 2002 to choose a leader and an interim government, Hamid Karzai was there to serve his country yet again.

His electoral success should come as no surprise. He is a symbol of his country's progress in its long journey toward freedom and democracy.

[English]

That is why we should listen very carefully to him today as he tells us about the progress that is being made on security and reconstruction in Afghanistan; about the advance of freedom, democracy, human rights and the rule of law; about the role our defence personnel, diplomats, development workers and tax dollars are playing; and about the challenges that remain.

Mr. President, before you take the podium from me, I would just like to share a personal reflection.

[Translation]

A little over a week ago, a madman opened fire on college students in Montreal. Since then, Canadians have been mourning the young woman who died and praying for the survivors.

Recently, I thought of those students as I was taking my own young children to school. I also thought of the thousands of young children in your country who face that kind of violence and risk every day.

[English]

They face that violence, not from an isolated madman but from the remnants of a regime that once ruled your country, people who oppose any education, particularly any education for girls, people who are prepared to deliberately kill children to achieve their fanatical goals, and we know this is not some theory.

This week we learned sadly in this country of the deaths of four Canadian soldiers, killed by the Taliban, as they stopped to assist Afghan children, in an attack in which scores of young Afghan children were maimed and injured.

Those Canadians, Mr. President, all the Canadians in Afghanistan and I think all Canadians, are thankful for the peace and prosperity that our children enjoy almost as a birthright, and we want to share our blessings with the children of your country.

That is why, at your request, we are in your country.

[Translation]

Mr. President Karzai, here you are among friends.

[English]

Canada's mission to your country has been, over the years, consistently backed not just by our government but by most in this Parliament, most notably by my colleague and sometimes adversary, the hon. Leader of the Opposition. All of us want to help you and your embattled people and we so eagerly await your words.

Colleagues, His Excellency, the President of Afghanistan, Hamid Karzai.

[Applause]

His Excellency Hamid Karzai (President of the Islamic Republic of Afghanistan): Honourable members of Parliament, in Afghanistan, in a very respectful place, you wear your hat, so I will wear my hat as a mark of respect.

[Mr. Karzai spoke in Arabic]

The Right Honourable Prime Minister, honourable Speaker of the Senate, honourable Speaker of the House of Commons, honourable members, ladies and gentlemen.

[Translation]

I thank you very much for this great honour and for welcoming me to the people of Canada's House.

[English]

Honourable members, I stand before you today with deep emotions. It is a pleasure to be among friends in Canada today and to be visiting a great nation that is a model to the rest of us for all that is good.

Yet, I know my visit comes at a time of sadness for a number of families across Canada who have lost loved ones in my country, Afghanistan. I also know that it is a time when many in Canada are pondering their country's role in Afghanistan.

Therefore, in addition to the hon. members, it is to those families and the Canadian public that I wish to address myself today.

If the greatness of life is measured in deeds done for others, then Canada's sons and daughters, who have made the ultimate sacrifice in Afghanistan, stand among the greatest of their generation. On Saturday, four of your fallen soldiers will return home to their final resting place.

They have sacrificed so that we in Afghanistan may have security. They have sacrificed to ensure the continued safety of their fellow Canadians from terrorism.

I know that there are many others who also feel the emptiness and loss of their loved ones. My heart goes to the families, the friends, and the Canadian people at this time of reflection and sorrow for those families.

More than anyone else, Afghans very much understand that these sacrifices are for a great, good cause. It is the cause of all of us as humanity, the cause of security for all, and the cause of peace in the basics of life for Afghan children as, Mr. Prime Minister, you earlier mentioned.

Honourable members, the people of Afghanistan have suffered from over two decades of invasions and destruction. The miseries of the Afghan people began with the invasion of our country in 1979 and continued until the tragedy of September 11, brought to the world by al-Qaeda and its associates.

The freedom loving Afghan people, backed by supporters from what was then referred to as the free world, fought and defeated the invasion, facilitating the disintegration of the Soviet Union and the fall of the Berlin Wall. These were indeed significant accomplishments of our time, for which Afghans paid dearly. Over one million Afghans lost their lives, another one million were disabled, more than a quarter of our population became refugees in neighbouring countries and elsewhere, and our country's infrastructure was razed to the ground.

Whereas Afghans had fought and won the world's war against communism, the reward that Afghanistan received was abandonment by the international community. We were left with a world of destruction to rebuild and at the mercy of a predatory neighbourhood and bellicose extremist forces that had been brought to Afghanistan. Few cared about the dismal plight of the Afghan people and even fewer thought about the consequences of leaving a country so dangerously vulnerable to foreign extremists.

It was in this environment that al-Qaeda, with supporters in the region and beyond, set up its deadly campaign of terror against Afghans and the whole world. While the Afghan people continued to suffer and while we continued to warn the international community about the danger of international terrorism that was brewing in Afghanistan, the world remained unmoved.

Both our sufferings and our warnings were ignored as if Afghanistan did not exist. Perhaps by the standards of today's world we did not exist, for we had nothing to sell to the world or nothing to buy from the world, so we did not matter.

The tragedy of September 11 showed in a terrible way the flaws of the arguments against helping Afghanistan. For one thing, it showed that, in fact, the cost of ignoring Afghanistan was far higher than the cost of helping it. The terrorist attacks of 9/11 brought home to many in the West the pain of terror and the fear that we in Afghanistan had been feeling at the hands of foreign-sponsored terrorists for so many years before September 11. And when the international community forces, including Canadians, came to Afghanistan later that year, they came as partners under the banner of a United Nations Security Council Resolution to liberate Afghanistan from the extremist forces which had seized control of our nation many years before that.

The arrival of the international community to our rescue after 9/11, however, was not a partnership solely of military might. Over the last five years, Afghanistan and the international community have developed a remarkable partnership which I would call a cooperation of civilizations, a partnership that extends from enhancing security to developing the rural areas of Afghanistan to providing education and health services to our needy people. Canada, in all respects, has been among the leaders of this partnership.

Thanks to Canada's contributions, Afghanistan today is profoundly different from the terrified and exhausted country it was five years ago. Today, Afghanistan has the most progressive constitution in our region, which enables the Afghan people to choose their leadership for the first time in their history through democratic elections. Over the past five years, our people have voted in two elections, one for the president and another for parliament.

With the inauguration of Parliament, 28 per cent of women were placed as members of Parliament. All the three branches of the state have been established. More than six million children are going to school today. To bring a comparison, during the time of the Taliban, only 700,000 children went to school; only boys. Today, over six million children go to school; over 35 per cent of them girls, from little girls to adult girls.

Once, five years ago during the rule of the Taliban, people were running away from Afghanistan. We have seen in the past five years that over four and a half million of our refugees have returned to the country, from His Majesty, the former King of Afghanistan, living in Italy, to the political leaders of the country, to the educated elite of Afghanistan in Europe, America and Canada, to the millions of refugees, poor ones, living in the neighbourhood of Afghanistan. They have all come back home.

Afghanistan, Mr. Prime Minister and hon. members of Parliament, because of your help, is once again the home of all Afghans.

Some hon. members: Hear, hear!

Hon. Mr. Hamid Karzai: During this period, we have also disarmed thousands of illegally armed persons, collected thousands of weapons, light and heavy. We have begun to

create our national army and our national police. We have achieved fiscal stability. Our economy has grown. When we began in 2001, our income per capita was only \$180. Today, it is only \$355 but it is twice more than \$180. In short, we in Afghanistan have embraced the vision of a prosperous and pluralistic society which Canada so richly embodies.

A democratic nation is not built overnight, nor in one or two elections. A democratic state draws its strength not only from strong state institutions but from the confidence of the people in those institutions and in the democratic process. Afghanistan's democracy will continue to grow, will continue to develop and will continue to gain the confidence of its people but only with patience and with the continued support of Canada and other members of the international community. As we move forward, we will continue to look to Canadian institutions, like this great Parliament, and to Canada's pluralistic traditions to help us move forward.

Despite our phenomenal progress, our new democracy faces serious challenges and threats. Insecurity in parts of our country, as a result of the rise of terrorist activities, is our greatest challenge. Five years ago, Afghans and international forces defeated terrorists within two months because of the power of the international community and the will and desire of the Afghan people. While some terrorists were removed, most of them ran away and took refuge in neighbourhoods beyond our borders.

Unfortunately, it was in those sanctuaries beyond our borders where they were reorganized, trained, financed and provided with ideological motivation to come into Afghanistan, kill our children, kill our teachers, kill the clergy, destroy mosques full of worshippers, destroy schools, destroy clinics, kill international aid workers, attack international security forces and try to bring us defeat.

A year ago, in southern parts of Afghanistan, all schools were open. Today, all over the country, as I speak to you, more than 150 schools are burned by these terrorists and 200,000 children, boys and girls, who went to school last year cannot go to school today because of these attacks. Terrorism sees its ultimate defeat in the prosperity of the Afghan people which is why terrorists attack.

Polio, which was almost eradicated, with only four cases last year, this year 27 cases have been registered by the minister of health and only in those areas of the country where terrorism has come back to strike health workers, children and their parents.

Terrorists are prepared to cross any boundaries and commit horrific acts of violence to try to derail Afghanistan from its path to success. They want the international community to fail, and I emphasize they want the international community to fail in its collective endeavour to help Afghanistan rebuild. That is why they decapitate elderly women in the name of spying for the coalition forces. A 75-year-old woman in Afghanistan rarely goes out of her house and is busy almost all the time with her grandchildren. You cannot imagine that a 75-year-old Afghan lady in the village would be in contact with either the international security forces, with the Afghan government or with any entity outside the walls of her house. However, they would kill her and then label her a spy just to frighten us all into the dark ages.

That is why, again, terrorists are killing international soldiers and civilians who have come to help Afghanistan. Clearly, unless we confront them more decisively, terrorists will continue to attack us everywhere, in Afghanistan and in the rest of the world. We will not succeed in eliminating terrorism unless we seek and fight the source of terrorism wherever it might be and dry its roots.

Our strategy of fighting terrorism in Afghanistan has so far been mainly focused on addressing the symptoms of terrorism, that is, on killing terrorists who come from across our borders. This strategy is bound to fail unless we move beyond the military operations in Afghanistan and to address terrorism's political ideological and financial basis. We must also show that extremism is not used by any country or entity as an instrument of policy.

Unless we go to the roots of terrorism, to where they are trained, where they are equipped and where they get inspiration, in other words, to the sources of terrorism, the world will not be a safer place for all of us, not Afghanistan, nor any other country.

Globally that is true too. If terrorists continue to harm innocent people around the world, which is what we have seen happen from New York, to Bali, to Madrid, to London, then it is our collective duty to stop them at the point of origin, at the breeding grounds before they can reach far and wide.

Fighting terrorism collectively is also tied to our fight against drugs. The menace of narcotics feeds terrorism and threatens the foundation of legitimate economic development in Afghanistan. A combination of factors, mainly a lack of a conducive security environment for our counter-narcotics efforts, absence of a comprehensive alternative livelihoods program and clandestine credit flows to poppy farmers from outside are behind the narcotics trade in Afghanistan. Afghanistan is committed to fighting narcotics, alongside terrorism, with strength and determination and through a combination of law enforcement and economic measures. We expect that the international community will continue to support us in this fight by enabling us to provide meaningful alternative livelihoods to our farmers.

The narcotics problem in Afghanistan is as serious as terrorism. As an Afghan, I know, as do the members of my delegation, that if we do not destroy poppies in Afghanistan, poppies will destroy us. Therefore, trust us when we say that we will fight them and we will because we want a country as good as yours and a parliament as good as yours. We will not have that unless we have destroyed poppies. However, it will take effort in the world and many years of patience before we succeed. I hope you will have the patience to bear with us for that long, perhaps five to ten years.

Honourable members, today, under the United Nations mandate and consistent with the wishes of the Afghan people, your sons and daughters are together with the citizens of more than 35 other nations committed to security for Afghanistan, while more than 60 nations, along with multilateral organizations, have pledged generously to help rebuild our war-torn country and to have a stable, prosperous and democratic Afghanistan.

Canada has made a tremendous difference in the lives of millions of Afghans already. I have described only five or six aspects of the improvement of life. I have told you of children

going to school. I have told you of millions of refugees coming back. I have told you of parliament coming back. I have told you of women back in parliament and in the workplace. There are hundreds of other examples, ladies and gentlemen, honourable members, of where your country is helping us on a daily basis to secure our country, to bring us a better life, better roads, better agricultural production, a thriving civil society and press freedom that is unprecedented in Afghanistan.

Today in our country, where we had no television station five years ago, we have six television stations, private ones, all critical of me. We have more than 300 newspapers, again, almost all of them critical of me. Over 30 radio stations belong to the civil society. There is no part of the media that the government owns and the ones that we own people do not listen to, they do not watch.

Now extend that to the Afghan villages and the access that Afghans in the countryside suddenly have to world news, to the rights that the constitution has given to them and to the awareness that this is the right they have, that the government is nobody to give it to them, that it is theirs. This has come to us because your troops are serving in Afghanistan, because your taxpayer dollars are helping in Afghanistan. That presence of your sons and daughters and your resources has enabled Afghanistan to offer this great virtue to all people.

We are proud, honourable members, to be recipients of your assistance. It has gone a long way, as I mentioned earlier, in addressing the needs of our people, especially with the kind of generosity that you have offered that help.

Mr. Prime Minister, you chose Afghanistan as your first foreign journey and we are grateful for that. You have shown steadfast support for us and for the ideals that we share together through this Parliament and through the government.

I am also grateful, ladies and gentlemen, honourable members, to the two former prime ministers, Prime Minister Chrétien and Prime Minister Martin, for they too committed to Afghanistan and for the Parliament of Canada for having made that possible.

Honourable members of Parliament, those of you who visited Afghanistan, from the Senate and the House of Commons, and those of you who helped Afghanistan through your work in this Parliament should know that this help may seem little to you here, but it multiplies a thousand times when it goes to Afghanistan, for you do not know, sitting in this Parliament, the desperation of the Afghan people, the need for security of the Afghan people and also the danger that the lack of security can bring us here in Canada or in the United States. Therefore, your help to us for building us into the future is much more valuable than perhaps you can imagine. It takes us into the future, a secure future.

Ladies and gentlemen, there is much that we can learn from Canada, from a society that speaks two languages, which is exactly what we do in Afghanistan. When I address the Afghan people, I do exactly as you did today, Mr. Prime Minister. I switch from one language to another. We have learned from your experience: the freedom to all the languages, the recognition of the minority languages. The national anthem of Afghanistan was a year ago in Farsi. Today it is in Pashto, another official

language of ours, but the national anthem of Afghanistan, through the modern constitution that we built for us, through your help, recognizes today all the 14 major ethnic groups of Afghanistan and it is in our national anthem to mention all the 14 ethnic groups of Afghanistan. It is a beautiful song. It is not that long. It only takes a minute.

Once again, your presence there and your help there has brought to Afghanistan the stability of a political system that is working toward a better tomorrow, and I thank you for that, too.

Honourable members, in Afghanistan we admire your respect and adherence to the rule of law. That is what we are trying to do in our country, for justice and for human dignity — we feel so stepped upon in Afghanistan by all those invaders — of the Afghan man and woman. We are trying to do that with your help. Most important, we admire your determination to help Afghanistan, at times with the dearest sacrifice that mankind can offer, the lives of your soldiers.

I sometimes think, what if Afghanistan soldiers were serving in Canada, what would the families of Afghanistan think when an Afghanistan soldier died in Canada? Would they justify it? Would they see the value in it? Would they understand it? When I think of the interconnectedness between humanity today, the dangers and the virtues, together, I understand that, yes, it is sad but it is worth it.

Afghanistan also sheds blood there. Every day we lose the lives of our children, we lose the lives of our soldiers, we lose the lives of our teachers. We lost one of our best governors, the most educated of ours, to a suicide bomber. All of that is for a common cause, the cause of security for all of us. It is this cause of security that you are serving in Afghanistan, but in Afghanistan you are not only serving the cause of security for the international community and your country, you are also helping one of the most oppressed societies in the world and its little children.

Thank you.

[Applause]

[Translation]

Hon. Noël A. Kinsella (Speaker of the Senate): Mr. Speaker, Your Excellency President Karzai, Mr. Prime Minister, Honourable Senators and members of the House of Commons, distinguished guests, ladies and gentlemen.

On behalf of all the parliamentarians and everyone here today, it is my honour, Your Excellency, to thank you for your visit and for your clear and eloquent speech to this joint session of Canada's Parliament.

[English]

President Karzai, your acknowledgment of the contribution of Canadian men and women to the development of a modern, free and democratic Afghanistan is greatly appreciated. I am confident that our brave Canadian Forces personnel, together with the humanitarian workers presently deployed in your country are pleased that you have had this opportunity to salute, in the Parliament of Canada, their important work.

[Hamid Karzai]

We are proud of those Canadians who work alongside the Afghan people, together with participants from 37 countries in the NATO and United Nations, to assist the men and women of Afghanistan in building all elements of your civil and national society.

[Translation]

Today, your country is emerging from its dark era of terror and fear. You have adopted a constitution establishing a democratic Islamic government. You have held democratic elections, re-opened the schools and begun to breathe again after years of war and tyranny. Canada is proud to have been able to help you attain these objectives.

[English]

Mr. President, Canada is proud to have assisted the men and women of Afghanistan in accomplishing the goals achieved to date. Together, we have restored hope. Indeed, hope restored, *Spem Reduxit*, is the very motto of my province of New Brunswick. "Hope Restored" might very well serve as the beacon, as we continue to collaborate with the people of Afghanistan. Our NATO and United Nations colleagues are fully aware that the process of rebuilding Afghanistan has only just begun. We know that the road ahead will be difficult, and we are all too aware of the costs involved.

[Translation]

That is why we are grateful to you, Your Excellency, for addressing the participants of this joint session of Canada's Parliament.

While Canada has a long history of establishing and maintaining peace all around the world, our mission in Afghanistan presents special challenges for the diplomats, police officers, soldiers and development officers.

We are pleased to hear you talk of their contributions and the work that remains to be done.

[English]

The past five years since 9/11 may be only a short time in the order of history, however in that short space of time, Canada and Afghanistan have developed new and lasting ties. Canadians have become aware of Your Excellency's historic country as never before, and they hope that, through their efforts and sacrifices, Afghanistan will become a safer place, and the world along with it.

We look forward with hope to the day when all peoples will live in the fullness of freedom, a day when we will be able to give priority to mutually celebrating the music, the art and the literature of each other's cultures.

President Karzai, Your Excellency, your address to this joint session of the two houses of the Parliament of Canada has reassured us that our contributions are bearing fruit. Allow me, therefore, on behalf of all here present, to thank you once again for your address, and to wish you and the people of Afghanistan, Godspeed.

[Applause]

[Translation]

Hon. Peter Milliken: President Karzai, Mr. Prime Minister, Mrs. Harper, Mr. Speaker, Mrs. Kinsella, members of the diplomatic corps, hon. senators, hon. members, ladies and gentlemen.

[English]

President Karzai, on behalf of the members of the House of Commons, and indeed of all of us in the chamber today, I would like to thank you for having addressed us. As the Islamic Republic of Afghanistan's first democratically elected president, you carry with you the dreams and aspirations of your people for a safe and prosperous nation, and that is not an easy burden to shoulder.

The first task of a leader is to keep hope alive, and I have no doubt that at times it is a very difficult and indeed lonely task, but you are not alone, as I hope you know. You and the Afghan people have many friends here in Canada and indeed all over the world. They are eager to see your country rebuild itself and more than willing to help in that connection.

[Translation]

The Parliament of Canada is no exception. Last June, it hosted a group of men and women who work for the National Assembly of Afghanistan who came to attend the Parliamentary Officers' Study Program here in Ottawa. This program shows participants how our Parliament works and compares our practices to their own legislatures.

[English]

All of us who had the privilege to meet and work with these dedicated individuals were struck by their commitment to their nation and to their fellow citizens, as well as their determination to restore to health the phoenix that is Afghanistan, if I may borrow a phrase you yourself have used, Mr. President.

The men and women who participated in this study program are serving the first Parliament elected in more than three decades. The national assembly, composed, like Canada's Parliament, of

both an upper and lower house, will celebrate its first anniversary on December 19, 2006. Through their newly elected members, Afghans now have a voice, one which I trust will grow ever stronger with the help of their many friends in the international community.

[Translation]

Mr. President, from what I have read about the history of your country and its people, I understand that poetry is an integral part of life in Afghanistan.

I understand that private poetry competitions are frequently held and almost every family has a poetry collection.

[English]

It was therefore no surprise to learn that you, President Karzai, are also a lover of poetry. I came across one of your favourite poems, and I would like to recite it for all of those in attendance here, first because it is a lovely rhyme, but also because I think it gives us some insight into your own hopes for your country, your own realization that fulfilment is not always easily achieved, but that hope must be kept alive in you and the Afghan people and the friends of Afghanistan, all of whom constitute a large group.

The excerpt is from a poem by Robert Frost called *Stopping By Woods on a Snowy Evening*:

The woods are lovely, dark and deep,
But I have promises to keep,
And miles to go before I sleep,
And miles to go before I sleep.

On behalf of all the members of the House of Commons, I thank you again for having visited us today and I wish you good luck and Godspeed in your long journey home.

[Translation]

Godspeed!

[Applause]

Hon. Peter Milliken: I declare the joint session adjourned.

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 39th Parliament)

Thursday, September 28, 2006

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Hazardous Materials Information Review Act	06/04/25	06/05/04	Social Affairs, Science and Technology	06/05/18	0	06/05/30		
S-3	An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act	06/04/25	06/06/22	Legal and Constitutional Affairs					
S-4	An Act to amend the Constitution Act, 1867 (Senate tenure)	06/05/30		subject-matter 06/06/28 Special Committee on Senate Reform					

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-2	An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability	06/06/22	06/06/27	Legal and Constitutional Affairs					
C-3	An Act respecting international bridges and tunnels and making a consequential amendment to another Act	06/06/22							
C-4	An Act to amend the Canada Elections Act and the Income Tax Act	06/05/02	06/05/03	Legal and Constitutional Affairs	06/05/04	0	06/05/09	06/05/11	1/06
C-5	An Act respecting the establishment of the Public Health Agency of Canada and amending certain Acts	06/06/20	06/09/28	Social Affairs, Science and Technology					
C-8	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 (<i>Appropriation Act No. 1, 2006-2007</i>)	06/05/04	06/05/09	—	—	—	06/05/10	06/05/11	2/06
C-13	An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/06/06	06/06/13	National Finance	06/06/20	0	06/06/22	06/06/22*	4/06

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-15	An Act to amend the Agricultural Marketing Programs Act	06/06/06	06/06/13	Agriculture and Forestry	06/06/15	0	06/06/20	06/06/22*	3/06
COMMONS PUBLIC BILLS									
No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
SENATE PUBLIC BILLS									
No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-201	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette)	06/04/05	06/06/22	National Finance					
S-202	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	06/04/05	06/05/31	Legal and Constitutional Affairs	06/06/15	1	06/06/22		
S-203	An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe)	06/04/05	Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08						
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	06/04/05							
S-205	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	06/04/05							
S-206	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	06/04/05							
S-207	An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	06/04/05							
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	06/04/06							
S-209	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	06/04/25							
S-210	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	06/04/25							
S-211	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	06/04/25	06/05/10	Social Affairs, Science and Technology	06/06/13	0			

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-212	An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.)	06/04/26	Bill withdrawn pursuant to Speaker's Ruling 06/05/11						
S-213	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	06/04/26	06/09/26	Legal and Constitutional Affairs					
S-214	An Act respecting a National Blood Donor Week (Sen. Mercer)	06/05/17							
S-215	An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.)	06/05/17							
S-216	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	06/05/30							
S-217	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	06/05/30							
S-218	An Act to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism) (Sen. Tkachuk)	06/06/15							
S-219	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	06/06/27							

PRIVATE BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-1001	An Act respecting Scouts Canada (Sen. Di Nino)	06/06/27							

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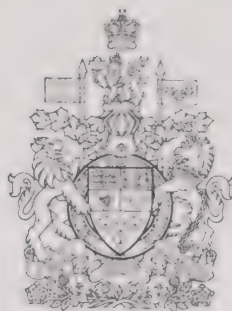
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CANADA

Debates of the Senate

1st SESSION

• 39th PARLIAMENT

• VOLUME 143

• NUMBER 33

OFFICIAL REPORT
(HANSARD)

Tuesday, October 3, 2006

THE HONOURABLE NOËL A. KINSELLA
SPEAKER

This issue contains the latest listing of Senators, Officers of the Senate, the Ministry, and Senators serving on Standing, Special and Joint Committees.

CONTENTS

(Daily index of proceedings appears at back of this issue).

OFFICIAL REPORT

CORRECTION

Hon. Donald H. Oliver: Honourable senators, I would ask that the *Debates of the Senate* be corrected to reflect that the committee in the other place that deliberated on the subject of Bill C-2 sat for 61.62 hours, including clause-by-clause consideration of the bill, and heard from 69 witnesses.

The Hon. the Speaker: Honourable senators, is leave granted to correct the *Debates of the Senate* from Thursday, September 28, 2006?

Hon. Senators: Agreed.

THE SENATE

Tuesday, October 3, 2006

The Senate met at 2 p.m., the Speaker in the chair.

Prayers

[Translation]

SENATORS' STATEMENTS

GUN CONTROL

Hon. Céline Hervieux-Payette: Honourable senators, following the tragic events at Ecole Polytechnique in Montreal, where a gunman targeted female students and shot them to death, the recent events at Dawson College, and even more recently, events in Pennsylvania where a man wielding a firearm singled out young girls, deliberately killing them, please allow me, as a woman, to convey our sincere condolences to the families of the victims, the Amish community, and our American neighbours. I urge them to appeal to the authorities to institute strict gun control in the United States, and I demand that the Conservative government implement the gun control program at the request of all Canadian women.

• (1405)

[English]

INTERNATIONAL DAY OF OLDER PERSONS

Hon. Sharon Carstairs: Honourable senators, October 1, 2006 was the fifteenth International Day of Older Persons. The General Assembly of the United Nations designated October 1 as International Day of Older Persons in 1990 and it was observed for the first time throughout the world on October 1, 1991.

By designating a special day for seniors, the assembly was giving recognition to the contributions of seniors and also drawing attention to the challenges countries face with an aging population.

Aging is a privilege of the developed world. In underdeveloped countries around the world, people are considered aged much earlier in life than here in Canada. However, about two-thirds of all older people live in the developing world. By 2025 it will be 75 per cent.

In the developed world, the very old — age 80 plus — is the fastest growing population group. Women outlive men in virtually all societies. Consequently, in very old age the ratio of women to men is two to one. In 2000, there were 600 million people aged 60 and over; there will be 1.2 billion by 2025; and 2 billion by 2050.

According to Statistics Canada, in 2001, one in eight Canadians was 65 years of age or older. By 2026, one in five Canadians will

be 65 years of age or over, accounting for 8 million Canadians. As baby boomers age, the seniors population is expected to constitute 23 per cent of the Canadian population by 2041.

Aging is a privilege, but it is also a challenge, a challenge that will impact on all aspects of 21st century society, such as transportation, health care, housing and the economy. With such an increase in the number of seniors, society must prepare to be able to adequately meet the challenging needs of so many people. It is a challenge that cannot be addressed by the public or private sectors in isolation. It requires joint approaches and strategies to ensure our seniors age well.

THE SENATE

DR. GARY O'BRIEN—TRIBUTES ON RETIREMENT

Hon. Terry Stratton: Honourable senators, I would like to pay tribute this afternoon to Dr. Gary O'Brien, the Deputy Clerk of the Senate, who retired on August 31.

Dr. O'Brien started working on the Hill 31 years ago in 1975, a mere year after getting his Masters of Arts and Political Science from Carleton University. He began his career in the Library of Parliament and soon moved on to what we have all come to know as his specialty — procedure.

Dr. O'Brien became a procedural analyst in the other place in 1976 and by 1984 was made the Chief of Journals in the Senate. While at his post, he did only what he could do and managed to find time to complete his Ph.D. at Carleton University.

His dissertation was entitled: "Pre-Confederation Parliamentary Procedure: The Evolution of Legislative Practice in the Lower Houses of Central Canada, 1792-1866." No doubt, with this work under his belt, he was ready to take on anything we could throw at him.

In 1999, Dr. O'Brien stepped into the position of Deputy Clerk, and for the past seven years he played a big part in helping to keep this place running smoothly.

[Translation]

I believe we have a very good idea of how much work Dr. O'Brien has done for us in the Senate.

[English]

To be sure, please allow me to read the job description of the Deputy Clerk as stated in the *Annual Report of the Senate of Canada*. It says,

The Deputy Clerk, -supports the Speaker, the Senate and all senators in carrying out their duties in the Senate. The Deputy Clerk's office publishes the official record of Senate proceedings, (*Journals of the Senate*) and the Senate's daily program (*Senate Order Paper and Notices*), — provides documents and advice to Senate staff and organizes regular

briefings. The Deputy Clerk also serves as recording secretary for the Standing Committee on Internal Economy, Budgets and Administration and as clerk of the Standing Committee on Rules, Procedures and the Rights of Parliament, and supervises all legislative services.

That is quite a job description.

• (1410)

Clearly, this is no simple task but it was not enough to keep Dr. O'Brien busy. In addition to his day and sometimes night job, Dr. O'Brien has published several articles and book reviews, and presented papers to the Canadian Political Science Association as well as other professional organizations at events such as the Canadian Presiding Officers Conference, the Joint Canadian-American Clerks Conference and the Inter-parliamentary Conference and Meeting of the Association of Secretaries General.

We have been well taken care of by Dr. O'Brien, and his shoes will be very large ones to fill. I want to thank him personally for everything he has done for me over the years, and for the Senate. We wish him well in the future.

WORLD MENTAL HEALTH DAY

Hon. Mobina S. B. Jaffer: Honourable senators, on October 10, 2006 we will be marking World Mental Health Day for the fifteenth time. On this day, we come together to recognize the importance of mental health in our world, and work to promote awareness of mental health issues.

This year's theme will be "Building Awareness — Reducing Risk: Mental Illness and Suicide." In the spirit of this theme, I want to draw your attention to a truly great initiative that began right here in Ottawa: eMentalHealth.ca.

The site eMentalHealth.ca is an online mental health resource directory where anyone can find out where to get help with mental health questions, problems and concerns in Ottawa. It provides a searchable list of services, as well as an online mental health events calendar where one can find out when mental health-related events such as workshops and programs will occur. This site offers an ideal format for mental health questions. It allows people to get information and connect with resources they need for themselves and their friends, and to confront difficult mental health issues quickly and directly.

Our own Standing Senate Committee on Social Affairs, Science and Technology pointed out the stigma and denial that often surrounds issues of mental health in its recent report, *Out of the Shadows at Last*. That is why I believe it is crucial that services such as eMentalHealth.ca be able to exist and flourish.

The website eMentalHealth.ca is an initiative of Crossroads Children's Centre, a non-profit charitable organization serving children with severe behavioural and emotional difficulties. Partnering organizations include the Children's Hospital of Eastern Ontario and the Provincial Centre of Excellence for Child and Youth Mental Health at CHEO. It was founded by Amy Martin, a clinician at Crossroads Children's Centre, and

Dr. Michael Cheng, a psychiatrist at Children's Hospital of Eastern Ontario. It was developed by John Withnall of Webcanvas.ca, with funding from the City of Ottawa and the Community Foundation of Ottawa. These are individuals who have taken the challenge embodied in World Mental Health Day to heart, and they need help.

Honourable senators, I ask you to consider promoting this system in your own region so that all Canadians can have access to these kinds of resources.

[Translation]

ROUTINE PROCEEDINGS

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw to your attention the presence in the gallery of representatives of a number of member states of la Francophonie participating in the fall 2006 Parliamentary Officers' Study Program.

On behalf of all senators, welcome to the Senate of Canada.

PUBLIC ACCOUNTS OF CANADA

VOLUMES I, II AND III TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table in both official languages the Public Accounts of Canada for 2006, Volumes I, II and III.

[English]

STUDY OF PROCEEDS OF CRIME (MONEY LAUNDERING) AND TERRORIST FINANCING ACT

INTERIM REPORT OF BANKING, TRADE AND COMMERCE COMMITTEE TABLED

Hon. Jeremiah S. Grafstein: Honourable senators, I have the honour to table, in both official languages, the ninth report of the Standing Senate Committee on Banking, Trade and Commerce, which is an interim report entitled: *Stemming the Flow of Illicit Money: A Priority for Canada*.

The Hon. the Speaker: Honourable senators, is leave granted for the Honourable Senator Grafstein to table this interim report?

Hon. Senators: Agreed.

On motion of Senator Grafstein, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

• (1415)

[Translation]

PUBLIC SERVICE EMPLOYMENT ACT

BILL TO AMEND—REPORT OF COMMITTEE

Hon. Joseph A. Day, Chair of the Standing Senate Committee on National Finance, presented the following report:

Tuesday, October 3, 2006

The Standing Senate Committee on National Finance has the honour to present its

FOURTH REPORT

Your Committee, to which was referred Bill S-201, An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) has, in obedience to the Order of Reference of Thursday, June 22, 2006, examined the said Bill and now reports the same with the following amendment:

Pages 1 and 2, clause 3:

(a) *Page 1:* Delete lines 16 to 25.

(b) *Page 2:* Replace lines 1 to 10 with the following:

“3. (1) Section 34 of the Act is amended by adding the following after subsection (2):

(3) When establishing a geographic criterion in an advertised external appointment process, the Commission shall establish a national area of selection.

(2) Subsection 34(3) of the Act, as enacted by”.

Respectfully submitted,

JOSEPH A. DAY
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Day, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

[English]

SCRUTINY OF REGULATIONS

SECOND REPORT OF COMMITTEE TABLED

Hon. J. Trevor Eyton: Honourable senators, I have the honour to table the second report of the Standing Joint Committee of the Senate and the House of Commons for the Scrutiny of Regulations, which deals with the legal challenge to broadcasting licence fees.

[Translation]

OFFICIAL LANGUAGES COMMISSIONER

NOMINATION OF GRAHAM FRASER—NOTICE OF MOTION TO REFER TO COMMITTEE OF THE WHOLE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, notwithstanding rule 58(1)i), I give notice that, later today, I will move:

That the Senate do resolve itself into a Committee of the Whole when it reaches Government Business at the start of Orders of the Day, on Wednesday, October 4, 2006, in order to receive Mr. Graham Fraser respecting his appointment as Official Languages Commissioner;

That the Committee of the Whole report to the Senate no later than 3:50 p.m. on Wednesday October 4, 2006; and

That television cameras be authorized in the Senate Chamber to broadcast the proceedings of the Committee of the Whole, with the least possible disruption of the proceedings.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Hon. Marcel Prud'homme: Honourable senators, I hope that CPAC, which will provide coverage of the sitting of the Committee of the Whole, will not run out of film this time.

[English]

Honourable senators will remember that when the famous Mr. Radwanski came to the Senate and I started to question him and CPAC ran out of film, which was very unusual. Even though I requested a vote and I voted with the Leader of the Government in the Senate in opposition to the nomination, I think we could visualize what was coming.

CPAC said it was a mistake but they never apologized. They said, “That is life,” I did not push the matter further. I hope that this time there will be plenty of film so that none of my colleagues will have to go through what I did in silence. I assure honourable senators that there will be no more silence on my part.

I am very happy that Mr. Fraser will appear before Committee of the Whole. I believe His Honour asked another commissioner to appear before the Senate some years ago. I agree that it is good practice to televise proceedings such as this from gavel to gavel.

• (1420)

[Translation]

TAX CONVENTIONS IMPLEMENTATION BILL, 2006

FIRST READING

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to present Bill S-5, to implement conventions and protocols concluded between Canada

and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income.

Bill read first time.

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

On motion of Senator Comeau, bill placed on the Orders of the Day for second reading two days hence.

[English]

HERITAGE LIGHTHOUSE PROTECTION BILL

FIRST READING

Hon. Pat Carney presented Bill S-220, to protect heritage lighthouses.

Bill read first time.

The Hon. the Speaker: When shall this bill be read the second time?

On motion of Senator Carney, bill placed on the Orders of the Day for second reading on Tuesday, October 24, 2006.

SCRUTINY OF REGULATIONS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO PERMIT ELECTRONIC COVERAGE

Hon. J. Trevor Eyton: Honourable senators, I give notice that at the next sitting of the Senate I shall move:

That the Standing Joint Committee of the Senate and the House of Commons for the Scrutiny of Regulations be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

ANTI-TERRORISM ACT

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET ON MONDAYS

Hon. David P. Smith: Honourable senators, I give notice that at the next sitting of the Senate I will move:

That the Special Senate Committee on the Anti-terrorism Act be empowered, in accordance with rule 95(3), to meet on any Monday which immediately precedes a Tuesday when the Senate is scheduled to sit even though the Senate may then be adjourned for a period exceeding one week.

• (1425)

QUESTION PERIOD

TREASURY BOARD

TERMINATION OF COURT CHALLENGES PROGRAM

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, my question is for the Leader of the Government in the Senate. My question concerns the recently announced cuts to programs, in particular, the Court Challenges Program.

It has come to everyone's attention how disappointed, shocked and — I think not too strong a word — outraged Canadians are that the Court Challenges Program funding has been abolished. It is perceived as taking away the rights of minorities to defend themselves against a government, not only the government of the day, a minority government, but governments of the past where mistakes have been made. This relates not to all minorities, but only to those minorities who do not have sufficient funds to proceed with the expensive court actions that are necessary to gain their rights.

In particular, we have heard from Guy Matte, a francophone activist who is currently the President of the Court Challenges Program. Mr. Matte has indicated that no discussion occurred with him. Apparently even before the announcement, Mr. Matte sought opportunities to discuss the matter of the Court Challenges Program with the appropriate minister, the President of the Treasury Board.

Honourable senators, I put to the Leader of the Government in the Senate the question, having regard to the reaction to the cuts generally, but in particular to the Court Challenges Program: Is there a willingness on the part of the government to meet with Mr. Matte and to reassess their announced cuts to the Court Challenges Program?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question.

I have read some of the comments about the Court Challenges Program. I do not agree with the Leader of the Opposition that the outrage is quite as widespread as he indicates. I think that most Canadian taxpayers understand that the Court Challenges Program was brought in around 1982 to address issues with regard to the Charter of Rights and Freedoms. It is now at least 24 years later and I do not think that any taxpayer who would have supported the original Court Challenges Program would think that there would be anything left to challenge with regard to the Charter 24 years later.

With regard to the honourable senator's question as to whether the President of the Treasury Board would be prepared to meet with Mr. Matte, I cannot answer specifically for him as to who he will or will not meet.

Senator Hays: I am glad that the Leader of the Government in the Senate has drawn to our attention that the program is, I think, some 26 years old. It has served Canadians well. While this is somewhat speculative on my part, I would suggest that the caseload in our courts is as heavy, if not heavier, on Charter cases now as it was at the beginning.

The fact of the matter is that this particular program, in the case of Mr. Matte, has afforded francophones in Canada rights that they would not otherwise have had. Those rights are still at risk, with respect not only to francophone rights but to anglophone rights as well, and the whole spectrum of issues where the government has laws, either intentionally or unintentionally, which affect the rights of Canadians.

I put it to the Leader of the Government in the Senate again: Would someone in the government meet with Mr. Matte and representatives of communities who feel that they have not been given a fair hearing?

I am also advised that this program is subject to the oversight of the Auditor General and that there has never been any concern or complaint from the Auditor General about the way in which the program has been administered, which I think puts an end to any comment or discussion that the program has been terminated because of not providing value for money or not being a good program for Canadians.

Would someone on the government side please give these people an opportunity to be heard and to have this cut reassessed?

Senator LeBreton: I thank the honourable senator for his question.

This type of debate could go on and on. Just because a program has been brought in does not mean that it has to be there forever for the Canadian taxpayer to fund. We believe that, for people who wish to have a court challenge, there are other means by which to fund those challenges. It is time for the government to move on. We feel that the laws of this country should be produced and written in such a way as to prevent challenges in the future.

• (1430)

In terms of the honourable senator's asking me or a member of the government to meet with individual people, I do not know whether that is the way to properly assess these matters. As I said, I will have a look at what Mr. Matte had to say. If he is interested in meeting with the President of the Treasury Board or someone who could address his concerns, I will simply pass on that request without any commitment whatsoever as to whether we will be able to accommodate it.

[Translation]

Hon. Jean-Claude Rivest: Honourable senators, minister, you are aware that Canadians who are members of linguistic minorities, whether they be anglophone Quebecers or francophones outside Quebec, have derived enormous benefit from this program and that the battle for language rights in Canada is not over. It will never be over until there is linguistic equality.

Having spoken to and, like all our colleagues, received numerous communications from various communities, including linguistic minority communities, I wonder whether it would not be advisable for the minister to try to convince her colleagues to reverse this decision, given that these cuts do not represent a huge portion of the federal budget. We are talking about a fairly small amount, but it is extremely important to these people.

[Senator Hays]

It would be wonderful if this error could be corrected. I would add, as a friendly aside, that I would have been very surprised if former Prime Minister Brian Mulroney had made such a cut after the program had been in effect for ten or fifteen years.

[English]

Senator LeBreton: I thank Senator Rivest for his question.

Honourable senators, I do not think there is anyone on either side of the house who is not fully committed both to the Official Languages Act and to supporting minorities. I do not believe that the termination of the Court Challenges Program would in any way undermine the government's commitment to minority language rights or to the Official Languages Act.

However, I do take what the honourable senator has to say very seriously. I feel that these savings for the government will not in any way undermine the rights of minority languages or the rights of any minority in Canada.

Hon. Tommy Banks: Honourable senators, my question is to the Leader of the Government in the Senate. I would remind honourable senators that the Court Challenges Program is used not only by persons who are making challenges to the Charter having to do with languages. Other matters are dealt with, too. To presume, as the Leader of the Government has suggested, that we have dealt with all of the challenges that might arise under legislation having to do with the Charter presumes that there will be no more law made. When we make new law, there is a chance of Charter challenges under that law being brought by individuals.

The specific question to the leader is that she has responded to the Leader of the Opposition by saying that there are other means and other places to which citizens can go to obtain assistance so that they can have a more level playing field when they are taking the government to task, when the government has at its fingertips literally limitless resources, and access to the best legal advice. I am hopeful that the Leader of the Government can give me an example or two of where those citizens might go for that kind of assistance.

• (1435)

Senator LeBreton: In terms of the Charter of Rights and Freedoms, I do not know how many times I have sat on committees dealing with legislation when we always seemed to be answering the question: Will this stand a Charter challenge?

With respect to the premise that there would be no new laws, I totally disagree. To answer the question about the time for dealing with potential Charter challenges, it is when we are formulating the laws. In terms of people using other means, there are any number of groups and non-profit organizations in the country that sometimes need to challenge the laws, and they do not require the use of the Court Challenges Program. An example happens to be a group that I am very much involved with, namely, Mothers Against Drunk Driving, and we have made many challenges to the Supreme Court and other courts, and we have not relied on the Court Challenges Program.

Senator Banks: When a case involves an individual, that is quite a different matter than one involving an organization, which has the capacity to raise money. Where can an individual go to obtain a level playing field?

Senator LeBreton: Obviously the honourable senator has not been paying attention to what Mothers Against Drunk Driving has been doing, because there was a challenge right to the Supreme Court. That case involved an individual, and her name was Zoe Childs. She was an individual; she went to an organization such as MADD and as an individual she was able to challenge a law in Canada and did not use the Court Challenges Program.

HEALTH

COMMENTS OF MINISTER TO INTERNATIONAL CONGRESS ON CARE OF THE TERMINALLY ILL— TERMINATION OF SECRETARIAT ON PALLIATIVE AND END-OF-LIFE CARE

Hon. Sharon Carstairs: Honourable senators, my question is to the Leader of the Government in the Senate. I spent last week in Montreal attending the International Congress on Care of the Terminally Ill, ensuring that I bring only the most up-to-date information to this place about an issue that is of concern not only to me, but also to a great many in this chamber.

When I picked up my information booklet and registration at two o'clock on Monday afternoon, I was delighted with the letter from the Minister of Health, the Honourable Tony Clement, who went on to say:

As professionals involved in care for the terminally ill, the work that you do — both in isolation and as part of multidisciplinary teams — is remarkable. Palliative and end-of-life care is selfless, difficult and emotionally draining..."

I thought, "The minister gets it!" He went on to say:

Your discussions this week are also of great interest to all levels of government, as we work with you to improve the quality and timeliness of our health care system.

Having read that, can you imagine my horror, two hours later, to learn that the secretariat for end-of-life care had been cut by 50 per cent?

Can the Leader of the Government explain to me why the words and actions of the minister do not match?

Hon. Marjory LeBreton (Leader of the Government): First, I thank the honourable senator for reading that excellent letter of the Minister of Health into the record of the Senate.

The fact is that on all matters of health, the government is expending a considerable amount of money, as did the government before, on all issues with regard to health care. I believe, as I am sure everyone here does, that as the population ages, the government will be expending considerable efforts and revenues on this new, emerging demographic in this country.

Senator Carstairs: Honourable senators, that is all very interesting, and I would like to think that that might be the case, but what was cut in this particular initiative by the Minister of Health were all of the working groups that had been disseminated over the last four years, involving such things as public awareness and standards accreditation.

Can the Leader of the Government in the Senate tell me how the quality of end-of-life care will improve in this nation with cuts such as that to the secretariat which, by the way, was not funding bureaucrats but was funding the work of doctors, nurses and other health care professionals who were delivering programs?

• (1440)

Senator LeBreton: Honourable senators, during expenditure reviews the government often looks for ways to save money in areas where there would not be a direct effect on the delivery of services to individual Canadians.

With regard to the organizations to which Senator Carstairs has referred, I have my doubts that they were directly affected but I will inquire to make certain. More often, savings are found around groups and organizations that were thinking about these issues but not yet delivering direct services to individuals.

I will take the definitive part of the honourable senator's question as notice, and reply at a later date.

Senator Carstairs: My final question to the Honourable minister is: In his last paragraph, the Minister of Health said:

On behalf of Canada's new government, I thank each of you for the work that you are doing.

How can he thank them in one letter, and then cut the funding for the work that they are doing, to the absolute shock of the 1,560 people who attended that conference?

Senator LeBreton: Honourable senators, I am sure that the Minister of Health was thanking people for the good work that they are doing. As I said in my earlier response, I will inquire as to the facts to find out whether Senator Carstairs' interpretation is correct in respect of this group.

TREASURY BOARD

TERMINATION OF SECRETARIAT ON PALLIATIVE AND END-OF-LIFE CARE

Hon. Larry W. Campbell: My question is for the Leader of the Government in the Senate. I have been involved in palliative care for at least 30 years. The members in the other place do not seem to realize that planning is involved in all of these instances. End-of-life care, in many cases, revolves around families, not hospitals. The planning conducted by these organizations is the very action that saves health care dollars.

Does any honourable senator find it just slightly unnerving that while this is the year of the senior and there is much talk about how old Canadians are getting, yet honourable senators are debating cuts to the very services that are required by the people who are in absolutely the worst shape?

Would the Leader of the Government in the Senate ask the Honourable John Baird, President of Treasury Board, to reconsider these cuts? It is not a great deal of money but it goes such a long way in helping those people who are the most vulnerable, contrary to what the senator from Saskatchewan had to say..

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question.

Senator Tkachuk: What did I say exactly?

Senator Stratton: What did he say? Point of order.

Senator Campbell: He made a joke of my comment about who was the most vulnerable.

The Hon. the Speaker: The Honourable Senator LeBreton.

Senator LeBreton: Although the disbursement of health dollars is the responsibility of the federal government, health care is delivered by the provinces. On this particular matter, I will obtain clarification for the honourable senator in the form of a delayed answer.

[Translation]

SPENDING CUTS TO MUSEUMS ASSISTANCE PROGRAM

Hon. Lise Bacon: Honourable senators, upon learning of the decision to axe the Museums Assistance Program, the Canadian Museums Association stated it was shocked and perplexed and felt betrayed by these spending cuts. This government is speaking out of both sides of its mouth with regard to the future of our museums because, during the last election campaign — as the Leader of the Government in the Senate will recall since she followed her leader across Canada — increased funding to museums was promised and deemed a priority.

How can the Leader of the Government in the Senate explain this betrayal of Canada's 2,500 museums?

• (1445)

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I do not think \$245 million is a betrayal. Canada's new government has invested over \$245 million in museums because we believe we have an important role in preserving the heritage of Canada and Canadians.

Heritage Canada spends \$1.8 million annually on the Museums Assistance Program. As a result of our recent review, efficiency measures within this particular program will allow the government to save \$2.3 million for each of the next two years. The Museums Assistance Program provides project funding rather than operating funding.

[Translation]

Senator Bacon: Honourable senators, according to Michel Perron of the Société des musées québécois, some Quebec museums have been waiting for an answer for many months. He said that if they wanted to get rid of inefficiency, they should have started with that.

[Senator Campbell]

Why say one thing during an election campaign and then later do the exact opposite?

[English]

Senator LeBreton: I wish to assure Senator Bacon that we have done no such thing. We made a commitment and we have announced our intentions to invest over \$245 million. What one individual in one part of the country says, wherever it may be, does not override the fact that we are investing these kinds of dollars in Canadian museums.

[Translation]

Senator Bacon: How much is the government going to invest in the photography museum?

[English]

Senator LeBreton: I have no idea at the moment, but I will take that question as notice.

NATIONAL SECURITY AND DEFENCE

DELAYS IN RESPONSES TO REQUEST FOR INFORMATION

Hon. David Tkachuk: Honourable senators, last week I asked a number of questions of the chair of the Standing Senate Committee on Legal and Constitutional Affairs. I thought his answers were fulsome and I appreciated his candour.

Today I would like to ask the chair of the Standing Senate Committee on National Security and Defence a few follow-up questions that I posed just before summer recess. Is the chair available to answer questions at this time?

Hon. Colin Kenny: I would be pleased to answer the questions of the honourable senator to the best of my ability.

Senator Tkachuk: I asked a few questions concerning how the committee is organized and who works for the committee. Specifically, I noted that there was a special budget of \$128,650 for consulting and salaries for committee staff, which the chair answered in brief and I believe satisfactorily.

I then followed up that line of questioning with questions regarding individual trips to conferences in places such as Zurich and London, where often there was only a place for one senator. I asked who selects the senator and who had gone in the past; and if there were spaces for two senators if that always included one from each side of this chamber.

While he answered my question briefly, we agreed that the committee staff would provide me with a list of trips over the last five years, including the names of the senators on each trip, so that we would be able to table this information in the Senate. I recognize that this is an administrative question and I did not receive anything in writing over the summer.

I contacted Senator Kenny's staff on September 14 to remind him that I am waiting patiently. I would hope the honourable senator would answer here to all honourable senators, as I believe all senators should be informed in this chamber.

Senator Prud'homme: The clerk is very busy.

Senator Kenny: I would like to thank the honourable senator for the question. The clerk of the committee brought it to my attention last week, and is preparing a response for the honourable senator that covers off the points he has in mind.

I regret I do not have it with me; I was not aware the honourable senator was going to ask the question today. However, there is a draft on my desk and I can provide it, possibly as early as tomorrow but certainly by the end of the week.

Senator Tkachuk: Is the honourable senator telling me that the clerk did not spend any time on this matter, or does he not think it was important enough to answer this question until last week?

• (1450)

Senator Kenny: The clerk was extraordinarily busy doing a number of things. The committee had an extensive trip to the United Kingdom, the Netherlands and the United Arab Emirates that occupied a good deal of time. The clerk has been extraordinarily busy, as we have been working on a number of reports. We also had a number of witnesses from whom we heard testimony yesterday.

We are very conscious of issues that require our clerks to put in unusual hours of overtime. People in this chamber were concerned about the amount of overtime. The work is coming once we get the other work done. It was not completed as quickly as I would have liked, not through the fault of the clerk. The clerk had holidays this summer, which she was entitled to take, and when the committee came back following the break, we had other business to deal with the week before the Senate reconvened. In fact, some of us on the committee had been working almost daily for three weeks before the Senate came back. Much has been happening.

Senator Tkachuk: I am sure my honourable friend has been extremely busy, but now he is telling me that he has a draft copy of the answers on his desk. Since the draft already sits on his desk, can he give me some assurance that he will table it this week before the chamber rises for the Thanksgiving break? I am sure the clerk has done an accurate job.

Senator Kenny: Honourable senators, I thought I just made that commitment.

TREASURY BOARD

SPENDING CUTS TO GOVERNMENT PROGRAMS

Hon. Joyce Fairbairn: Honourable senators, my question is for the Leader of the Government in the Senate. Over the last several days we have been talking about cuts to the literacy program across this country. Could she indicate exactly where the \$81 million she speaks of is targeted over the next two years to help our citizens learn to read for themselves, their families and the workplace?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I will undertake, as much as possible, to provide an answer. However, I did notice in the paper today that an organization in New Brunswick received \$1.8 million of that \$81 million.

Senator Fairbairn: That is very good news for New Brunswick, but it does not quite lead to the same exuberance across the country.

While the Leader of the Government is looking up the \$81 million she speaks of, could she find out what has happened to the amount set aside by former Finance Minister Ralph Goodale in his 2005 budget? This amount added up to something like \$673 million and included efforts to help the National Literacy Secretariat, which is no longer. Could the leader indicate where the money went to improve special education for First Nations children living on reserves; or the \$398 million over five years, for the first time ever, to enhance settlement and integration programs and improve client services for newcomers to Canada; or the \$125 million over three years for the next steps in the Workplace Skills Strategy; or, finally, the \$30 million for the National Literacy Secretariat? It would be very helpful if she could dig into those amounts as well.

Senator LeBreton: Honourable senators, New Brunswick received \$1.6 million, not \$1.8 million. I do not know whether I made that clear.

• (1455)

As we know, there was money promised all over the place by the previous government and the previous Minister of Finance. That does not necessarily mean it was going to be implemented.

I will take the honourable senator's specific question as notice.

[Translation]

Hon. Fernand Robichaud: Honourable senators, I have a supplementary. The minister just told us that an amount was announced for New Brunswick, but that will only go to the provincial organization. No funds will support community projects. That was a possibility under the present program that this government is about to abolish. Could the minister tell us whether or not community projects will be funded by the \$81 million?

[English]

Senator LeBreton: As I mentioned last week, we will be following through with any programs we had already committed to, including the program that interests the honourable senator.

I also indicated with respect to money towards the literacy programs that much of the savings were in areas where the work was being done by another level of government.

As I said last week, one of the things we made clear during our last election campaign was that we would not interfere with other levels of government. We were clear in defining our responsibilities, and hopefully we did not tread on the turf of other government jurisdictions.

As I indicated in a delayed answer to the honourable senator, the proposal he was interested in was approved.

• (1500)

BUSINESS OF THE SENATE

The Hon. the Speaker: Honourable senators, before proceeding to Orders of the Day, the chair would like to remind all honourable senators of the ruling we had occasion to bring before the house a few months ago concerning the rule that proscribes bringing into the chamber electronic devices that make noise.

That is the order of the house. I am your surrogate. I know of no change or challenge to the rule or ruling. Therefore, I ask all honourable senators to be extra vigilant. Let us keep those things out of here.

Hon. Senators: Hear, hear!

LEGAL AND CONSTITUTIONAL AFFAIRS

CORRECTION TO COMMENTS

Hon. Donald H. Oliver: Honourable senators, last Thursday I answered a question posed by the Honourable Senator Tkachuk relating to the work of the Standing Senate Committee on Legal and Constitutional Affairs. I stated:

...the committee in the other place sat for a total of 90 hours, including four days of clause-by-clause consideration from 8 a.m. to 9 p.m. They heard from perhaps less than 80 witnesses...

I was advised afterward that the committee in the other place in fact sat for 61.62 hours, including clause-by-clause consideration, and heard from 69 witnesses. Therefore, I seek leave of the Senate for the debates of September 28, 2006, to be amended to reflect the correct number of hours.

Hon. Grant Mitchell: Could I ask a question about that correction?

The Hon. the Speaker: Senator Oliver is asking for a correction to be made to the Hansard. Do you have a comment on that, Senator Mitchell?

Senator Mitchell: I want to get the answer and the corrections in context, Your Honour. The honourable senator is making a political point and trying to say we are delaying that bill. We are not trying to delay the bill. The fact is, had the government consulted the appropriate groups before they brought in that piece of legislation, we never would have had to take the time consulting them now. It now falls on the Senate because the proper consultation process was not followed in the beginning. I should say it falls on the opposition side of the Senate to do that because the government side is taking very little interest in consulting properly, even at present.

An Hon. Senator: Hear, hear!

ORDERS OF THE DAY

INTERNATIONAL BRIDGES AND TUNNELS BILL

SECOND READING—DEBATE ADJOURNED

Hon. J. Trevor Eytton moved second reading of Bill C-3, respecting international bridges and tunnels and making a consequential amendment to another Act.

He said: Honourable senators, I am pleased to rise today to speak to Bill C-3, the International Bridges and Tunnels Act. Bill C-3 was introduced in the House of Commons on April 24, 2006. It was passed in that House on June 22, 2006, and received first reading in this place on the same day.

Bill C-3 is not the first attempt by the federal government to legislate in this area. Two previous bills, Bill C-26 and, more recently, Bill C-44 were introduced in the House of Commons. The intent of both these bills was to amend the Canada Transportation Act, Canada's omnibus transportation legislation to include provisions dealing with international bridges and tunnels. These provisions were a small component of the overall amendments these bills sought to introduce, with the result that the provisions dealing with international bridges and tunnels did not attract much attention. The Senate was never called upon to consider either of these bills, as they both died on the Order Paper.

Bill C-3 is an improved version of these other bills. It contains certain provisions that were not in Bill C-26 and Bill C-44 but, more importantly, it is a stand-alone bill. Unlike its predecessors, it does not propose to amend the Canada Transportation Act by simply adding a section on international bridges and tunnels. I would suggest that this, in itself, is an improvement as the legislator's message on this important subject is not lost this time in a multitude of amendments.

It is now our task to consider this bill. To do so properly, honourable senators, it is important to understand the legislative history regarding our country's international bridges and tunnels, starting with the Constitution. It is the Constitution Act, 1867 — the same act that created this House — that determined that the federal government would have exclusive legislative authority with respect to works and undertakings that extend beyond provincial borders, such as our international bridges and tunnels.

There are currently 33 international bridges and tunnels in Canada: 24 accommodating vehicular traffic and nine railway traffic. These bridges and tunnels are found in only three provinces: Ontario, New Brunswick and Quebec, and link with the states of New York, Michigan, Minnesota, Maine and Vermont. Many of these bridges and tunnels are exceedingly busy — and vital — international crossings.

As we know, there is a big difference between a constitutional power and legislation that sets out the manner in which that power is exercised. That is the importance of this bill because, as we speak today, and until such time as this bill becomes law, there exists no one law that sets out a regime that governs all of

Canada's international bridges and tunnels, or that gives the federal government the power to make regulations with respect to these structures. Bill C-3 seeks to rectify this lack by proposing to introduce a regime of consistent rules and regulations that will apply to all structures, regardless of whether these structures are owned publicly or privately.

This is not to suggest that legislation dealing with international bridges or tunnels has never been adopted, for that is not the case. However, the majority of this legislation exists in the form of special acts of Parliament adopted over the years, mainly for the purpose of authorizing the construction of these structures. In fact, most of Canada's international bridges and tunnels existing today owe their existence to these special acts. No less than 52 special acts are listed in the schedule to the bill, and this list is not exhaustive.

More important than the number of acts is the fact that these special acts, for the most part, came into force many decades ago. While these acts served a specific purpose when they were enacted, they have not evolved to address the issues of concern to today's bridge and tunnel user; issues such as maintenance, safety and security.

Honourable senators, Bill C-3 seeks to offer several simple solutions in this regard. First, it proposes an approval process that is administrative, rather than legislative. It removes the need to pass special legislation in order to approve the construction of new international bridges or tunnels.

My fellow senators I am sure will understand, as well as do I, that time to consider legislation is limited in the Senate, as it is in the lower House. As this time is precious, it should preferably be spent considering legislation of national importance and reach, rather than overloading the system seeking approvals that can be better dealt with by administrative process.

In the case of Bill C-3, this approval will be given by the Governor-in-Council on recommendation of the Minister of Transport. Practically speaking, a person wishing to build a new international bridge or tunnel will have to make an application to the Minister of Transport, who in turn will recommend to the Governor-in-Council whether or not this application should be approved.

The process envisaged is somewhat similar to the approval process that currently exists in the United States, where applicants who wish to build a new international bridge apply to the U.S. Department of State for a presidential permit. That department reviews the application in conjunction with other stakeholders, including state departments and foreign governments including, of course, the Canadian government, to ensure that all necessary permits have been applied for and obtained. It is likely that Transport Canada will play a similar coordination role in the process proposed by Bill C-3. Bill C-3 goes even further, since any alterations to existing bridges and tunnels will also require Governor-in-Council approval.

If we understand why approval for the construction of a new international bridge is required, it is relatively easy to understand why alterations to a bridge would also require approval, particularly major alterations that may affect the bridge

structurally. It must be kept in mind that Bill C-3 is a transportation bill, and of particular concern to Transport Canada are traffic and, more particularly, traffic disruptions that these alterations may cause. One of the main goals of this legislation is to keep the traffic of goods and people moving over and through these structures so that if a project has the potential to disrupt traffic, prior government approval may have to be sought.

Considering that many of these structures were built in the 1950s and 1960s, it is not hard to imagine why they require regular maintenance and updating to respond to today's needs. These approval processes are therefore an important part of Bill C-3. On this note, another objective of Bill C-3 is to supplement the special acts to which I made reference by giving the government the power to make regulations in the areas of safety, maintenance and repair; issues that are not generally dealt with by these acts.

In the exercise of this power, the government could choose to regulate the frequency with which safety inspections must be undertaken and the obligation to provide copies of these reports to the government. Bill C-3 even gives the government, through the Minister of Transport, the right to demand that certain repairs be made to a particular bridge or tunnel in order to ensure that the structure is kept in good condition.

Bill C-3 also speaks to security. This summer's thwarted terrorist attacks in London, England, served to remind us that terrorism is a reality with which we must learn to live. It was also a reminder that security against these potential threats must be a priority for all nations. There is tremendous pressure on governments to put in place measures that will protect its citizens and are cost effective and reasonable when compared to the risk.

Minimizing security threats directed against our country's critical infrastructure, such as our international bridges and tunnels, is a major part of our nation's security plan and a focus of this bill. Much has been done in this regard by the bridge and tunnel owners and operators following September 11, 2001, but this risk must be regularly re-evaluated and new measures implemented when justified.

Bill C-3 allows the government to make specific regulations regarding security, such as obligating owners and operators to develop and implement security plans and security management systems, and to undertake threat and vulnerability reports and to update these reports on a regular basis.

The critical aspect of these international bridges and tunnels lies in their importance to trade. The United States is by far Canada's largest trading partner. In 2005, Canada traded over \$580 billion with the United States, representing over 70 per cent of our total trade in value. Approximately 84 per cent of our exports went to the United States and 56 per cent of our imports came from the United States; 60 per cent of this trade, or 76 per cent in value, was transported by truck. According to these same statistics, the four busiest crossings through which these trucks passed are all international bridges. Based on these impressive statistics alone, it is undeniable that Canada's international bridges and tunnels are vital trade links and, as such, should be protected.

• (1510)

Our trade relationship with the United States has been strengthened by agreements such as NAFTA, now 10 years old, and other important bilateral trade agreements; and while there are trade issues and initiatives that are cause for concern because of their potential negative impact on trade, such as the U.S. Western Hemisphere Travel Initiative, it must also be noted that 95 per cent of our trade relationship with the United States is dispute-free — a remarkable fact!

While much of the focus is on the bridges and tunnels that carry vehicles, we must not forget the railway international bridges and tunnels, as they also play an important role in Canada's economy. In 2005, 17 per cent of Canada's trade was carried by rail, the second preferred means to carry trade.

It is trite to say that our railroads built this country, but before there were highways, there were railroads. Today, rail is still the cheapest way to ship goods. These goods are shipped using a large and intricate railway network composed of long and short rail systems that extend across Canada and into the most southern United States. Rail fits in perfectly with today's multi-modal approach to transportation where goods are shipped by boat and then by rail into the country's interior, or shipped by rail and then truck, or combinations of these.

Bill C-3 contains two new provisions that did not appear in either of the previous bills. The first relates to the construction of new bridges or tunnels that will cross the St. Lawrence River. As it currently stands, the Navigable Waters Protection Act prohibits all construction over navigable waters without government approval. The original intent of this prohibition was to ensure that navigation not be unduly disrupted. Approval, however, cannot be obtained for construction over the St. Lawrence River under that act, since originally this was the responsibility of the St. Lawrence Seaway Authority. When the St. Lawrence Seaway Authority Act was repealed in 1998, and the St. Lawrence Seaway Authority dissolved, so too was that power that this body had to issue approvals for construction over the St. Lawrence River. This means that in order to build a bridge over the St. Lawrence River, the government must pass special legislation for this purpose. For the reasons I have already mentioned, this is not the best or most timely solution. The bill, therefore, sets things straight by confirming that despite what the Navigable Waters Protection Act says with respect to the St. Lawrence River, approval may be given under that act. This is a void in the current federal legislation that the bill proposes to rectify.

The second provision — or set of provisions — deals with transactions that affect the ownership or the operation of an international bridge or tunnel. Bill C-3 proposes that transactions of this type be first approved by the government. This approval process will be similar to the proposed approval process for new construction or alterations in that this approval will need to be given by the Governor-in-Council on recommendation of the Minister of Transport. By submitting these transactions for government approval, the government will be able to monitor who owns and operates these structures and ensure that they are owned and operated in a manner that is consistent with public policy and the interest of the Canadian public.

Bill C-3 also proposes a mechanism for incorporating companies charged with the construction or operation of an international bridge or tunnel by way of letters patent. The issuance of letters patent under this act is simply another way to incorporate a company, and this system will exist in parallel with other legal methods of incorporation, such as incorporating under the Canada Business Corporations Act and other acts that may be available.

Finally, several amendments were made to the bill when it was being considered in the other place. In particular, several sections were amended to include consideration of local community interests by providing for the federal government to consult with other orders of government, including local municipalities, before approving the construction of new international bridges or tunnels. At the Standing Senate Committee on Transport and Communications, the government will be moving to make some minor technical amendments to these sections to ensure consistency of language in the bill while still supporting these amendments.

Honourable senators, there are some who will say that this bill does not go far enough in some areas and goes too far in others. I think that most people, however, critics included, will agree that this legislation is needed in order to give the federal government the power to exercise its constitutional jurisdiction and oversight over international bridges and tunnels, as these structures play an important role in our sovereignty as a nation and are important to trade and tourism as well as to the many industries that rely on these activities.

This is an important piece of legislation, and I would support a quick endorsement of it by this chamber so that the federal government will be provided with the necessary tools to ensure that these critical bridges and tunnels are safe and secure, and efficiently operated and maintained.

On motion of Senator Fraser, for Senator Grafstein, debate adjourned.

OFFICIAL LANGUAGES COMMISSIONER

MOTION TO REFER TO COMMITTEE OF THE WHOLE THE NOMINATION OF GRAHAM FRASER AS COMMISSIONER AND AUTHORIZATION TO PERMIT ELECTRONIC COVERAGE ADOPTED

Hon. Gerald J. Comeau (Deputy Leader of the Government), pursuant to notice of earlier today, moved:

That the Senate do resolve itself into a Committee of the Whole when it reaches Government Business at the start of Orders of the Day, on Wednesday, October 4, 2006, in order to receive Mr. Graham Fraser respecting his appointment as Official Languages Commissioner;

That the Committee of the Whole report to the Senate no later than 3:50 p.m. on Wednesday October 4, 2006; and

That television cameras be authorized in the Senate Chamber to broadcast the proceedings of the Committee of the Whole, with the least possible disruption of the proceedings.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[Translation]

NATIONAL BLOOD DONOR WEEK BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Mercer, seconded by the Honourable Senator Cochrane, for the second reading of Bill S-214, respecting a National Blood Donor Week.—(*Honourable Senator Stratton*)

Hon. Andrée Champagne: Honourable senators, I am pleased to inform the members of the Senate and all Canadians that I support the designation of the week in which June 14 occurs as National Blood Donor Week.

The current government recognizes the importance of encouraging and promoting blood donation, because each donation can save several lives. Thousands of Canadians regularly count on the blood supply system to stay alive and healthy, and many others need transfusions after operations or accidents.

[English]

In many countries throughout the world, blood transfusion is neither available nor safe. In Canada, we have access to high-quality blood products and alternatives that are available to everyone. Canada can count on approximately 3.5 per cent of the eligible population to donate blood annually.

[Translation]

By designating the week in which June 14 occurs as National Blood Donor Week, we want to celebrate and thank those people who, by their generosity, altruism and kindness, are helping to save the lives of people they do not even know.

I would like to express my particular gratitude to frequent donors. They are part of a small group that provides a critical resource, the gift of life.

• (1520)

[English]

By creating this national blood donor week we would also have the opportunity to encourage individuals who are not regular blood donors or individuals who have never donated blood to

become regular blood donors. Honourable senators, blood is the most precious gift that anyone can give to another individual. It is the gift of life.

Taking the time to go to a blood clinic and donate blood can save the life of one to several people. It gives a feeling of well-being and the accomplishment of something special and positive.

[Translation]

The Government of Canada recognizes that the need for a continuous blood supply is permanent because blood can only be stored for a limited amount of time before being used.

Take platelets, for example. They are essential for clotting and are administered to patients with prolonged bleeding associated with certain diseases, such as serious wounds, hemophilia, cancer, and so on. Did you know that platelets have a shelf life of only five days?

Furthermore, the demand for blood and blood products is constantly increasing and our beloved system relies on the generosity and goodwill of Canadians prepared to give blood to help their fellow citizens.

[English]

Honourable senators, this dedicated week will serve to inform the Canadian population that it is important to become a blood donor. For various reasons, regular donors may not be in a position to continue to donate blood, maybe because of sickness or absence from the country, and without new individuals becoming regular blood donors the pool of donors will decrease, which could have dire consequences on these recipients of blood and blood products.

The demand for blood and blood products is continuous throughout the year. However, it is important to know that during the summer there is an increase in the demand due to the number of road traffic accidents. During the same period there is a marked decline in blood donations. Regularly, during the summer season, on the radio and in newspapers, demand for certain types of blood is announced, and potential donors are required to get in touch with the blood operators as the supply is getting low. Declaring the national blood donor week in June is anticipated to have a positive impact on the number of blood donors during the summer season.

[Translation]

Some 192 World Health Organization Member States, 181 National Red Cross and Red Crescent Societies, and 50 voluntary blood donor organizations have agreed to support World Blood Donor Day each year.

In many countries blood transfusion is either not available or not safe. The bill we are debating today reiterates the importance of donating blood and provides an opportunity to thank and honour the people in this country who give blood regularly.

National Blood Donor Week will allow us to express our gratitude to the individuals in our country who make this effort and donate their blood. Without them, the gift of life would be impossible.

I strongly encourage each and every one of my colleagues in the Senate to vote in favour of this bill in order to allow the government to promote blood donation more vigorously.

[English]

The Hon. the Speaker pro tempore: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt this motion?

Motion agreed to and bill read the second time and passed.

REFERRED TO COMMITTEE

The Hon. the Speaker pro tempore: When shall this bill be read the third time?

On motion of Senator Cochrane, bill referred to the Standing Senate Committee on Social Affairs, Science and Technology.

AGRICULTURE AND FORESTRY

COMMITTEE AUTHORIZED TO MEET
DURING SITTING OF THE SENATE

Leave having been given to proceed to Motion Item No. 100:

Hon. Joyce Fairbairn, pursuant to notice of September 28, 2006, moved:

That the Standing Senate Committee on Agriculture and Forestry have the power to sit at 5:30 p.m., Tuesday, October 3, 2006, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

Hon. Joan Fraser (Deputy Leader of the Opposition): Senator Fairbairn, I understand that this is for the purpose of hearing the minister; is that correct?

Senator Fairbairn: Yes, honourable senators, the Standing Senate Committee on Agriculture and Forestry has just launched the study on rural poverty, which we have approved in this chamber. The Minister of Agriculture is one of our first and very important witnesses and because of his portfolio, he is always under a great deal of pressure. He is able to visit with us for one hour starting at 5:30 p.m. this afternoon, and we are eager to hear him.

The Hon. the Speaker pro tempore: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[Senator Champagne]

SCOUTS CANADA

PRIVATE BILL TO AMEND ACT
OF INCORPORATION—SECOND READING—
DEBATE ADJOURNED

Hon. Consiglio Di Nino moved second reading of Bill S-1001, respecting Scouts Canada.—(*Honourable Senator Di Nino*)

He said: Honourable senators, this is the third time I have introduced this bill in the chamber. Both previous attempts resulted in the bill dying on the Order Paper because of election calls. Perhaps we have too many elections.

Colleagues, 2007 will mark the centenary of the scouting movement. Scouts Canada has served Canada's youth for a century. It has guided, mentored and educated millions of Canadian boys. In 1974, girls were admitted to the Rover program for young men and women. After opening the movement to girls in the Ventures program in 1984, Scouts Canada became fully co-ed in 1998, opening up all its programs to girls as well. Scouting has helped prepare generations of Canadians become compassionate, productive citizens and leaders of our country.

• (1530)

The principal purpose of this bill is to change the organization's official name from the Boy Scouts of Canada to Scouts Canada, to reflect the co-ed nature of the movement. I urge honourable senators to participate in the debate and I hope we can refer this bill to committee at the earliest possible time when an appropriate analysis can be undertaken, and provide an opportunity for interested parties to express their views and opinions.

I hope, honourable senators, that this legislation will be granted passage in both Houses of Parliament, will receive Royal Assent and will be proclaimed into law in time to help Scouts Canada celebrate its 100th year of service.

Hon. Tommy Banks: Will the honourable senator accept a question?

Senator Di Nino: Yes.

Senator Banks: The honourable senator has said, in respect to his speech on this bill, that its principal purpose is the changing of the name of the organization. Are there elements of this bill that have to do with the governance of the organization?

Senator Di Nino: I have taken a very close look at the bill and I have even consulted with legal counsel, and what I am told is that the changes that are being made are not of any significance. They are things that would normally be done on a regular basis. This is the opportunity, but it will not affect the structure of the organization nor any substantive issue dealing with the governance of the organization.

Hon. Francis William Mahovlich: I was wondering if there would be a conflict with the Girl Guides. Whatever happened to the Girl Guides, if the name has changed?

Senator Di Nino: I am delighted to say that there is a very close relationship between Scouts and Girl Guides. They often will be involved in initiatives and programs together and they are very supportive of each other. As you know, I am quite active in the organization. I can tell honourable senators from personal experience that we will often participate in their events, in their initiatives and in their celebrations, and when Scouts are having similar events, the Girl Guides are there.

They are a totally independent, separate organization. The changes in the program, which has now been in effect for 20 or 30 years, depending on which program one looks at, are changes that involved consultation with the Girl Guides and to which the Girl Guides gave their support and confidence. I may add that, to the best of my knowledge, the Girl Guides have not done badly at all by the changes. It does not seem to have affected their organization. Although I cannot provide any specific statistics, certainly the change from an all-boy organization to a co-ed organization was done in consultation with the Girl Guides, and from my own personal experience and from everything I know, there was never any opposition.

On motion of Senator Jaffer, debate adjourned.

STATE OF LITERACY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Fairbairn, P.C., calling the attention of the Senate to the State of Literacy in Canada, which will give every Senator in this Chamber the opportunity to speak out on an issue in our country that is often forgotten.—(*Honourable Senator Segal*)

Hon. Joan Cook: Honourable senators, today I would like to bring to your attention the ongoing issue of literacy in Canada. As you know, last Monday the federal government announced \$17.7 million in cuts over the next two years to adult learning, literacy, and the Essential Skills Program nationwide. This means that local and regional literacy programs will no longer be funded by Human Resources and Skills Development Canada, or HRSDC, yet 42 per cent of Canadians struggle with basic reading and writing. This change jeopardizes the delivery of programs to many learners whose literacy challenges hinder their ability to function fully at home, in the community and in the workplace.

Honourable senators, \$5.8 million in cuts for this year is not a lot of money in relation to government spending. However, this has had a huge and sudden impact on the thousands of local and regional literacy coalitions across Canada. Programs are now relying on surplus money from the previous year, and many will be unable to survive. Organizations in the Yukon and Saskatchewan are looking at closing their doors, and Newfoundland and Labrador say that they may not last five months without federal funding.

The HRSDC's national office of literacy and learning does have a budget of \$81 million over two years, which addresses adult learning, literacy and essential skills in Canada. However, the

catch is that the department's new mandate is to concentrate on national and federal programs alone. Therefore, if local coalitions want to tap into these funds, they must switch their mandate's direction from local to national, which means that there will no longer be community-based or client-oriented programs. I believe that this defeats the purpose of serving the community and I fear that, with this new shift in direction, we will end up in a Catch-22 situation.

Regional coalitions are oftentimes the only thread of infrastructure which links national projects to the community, deeming them essential to a literate future. This translates to \$785,000 in cuts to my home province of Newfoundland and Labrador, a province that historically has not fared well against the national average on literacy. More than 64,000 people there need help to improve their literacy skills.

Naturally, Canadians are upset by this change and see this as a shift in priorities away from literacy, a fundamental skill for all Canadians. Currently, five provinces and territories — Newfoundland and Labrador, P.E.I., New Brunswick, Quebec and Nunavut — have more people with lower literacy rates than the national average.

Canadians are not meeting the minimum skills level suitable for coping with the demands of everyday life and work, and typically hide their challenges with elaborate coping mechanisms. Many people live in fear of exposing their weaknesses. Subsequently, lower literacy can affect health directly. For example, such a simple thing as the inability to follow a doctor's written order can be detrimental. I have been told at home that coalitions may have access to Health Canada funding, but this will take time.

Many people with low literacy skills feel ashamed of their inability to read, which often leads to low esteem, stress and potential for additional mental health problems. The nine million Canadian adults who have low literacy skills are about twice as likely to be unemployed, and it is very difficult for them to find or to keep a job. If they do manage to maintain employment, it is likely to be a poorly paid position, and more often than not they live on a fixed income.

Though the majority of Canadian youth aged 16 to 25 attain the minimum level of literacy skills needed to cope with the demands of everyday life and work, anywhere from 18 per cent to 38 per cent of youth, depending on the region of the country, do not attain that minimum proficiency.

• (1540)

In Canada, our track record is improving. However, the services offered to those who do need help need more attention, of which most is achieved through voluntary organizations at the community level.

Less than half of those who contact a literacy organization actually enrol in a program. Of those who enrol, 30 per cent drop out, and 43 per cent of those who do not enrol in a program cite barriers such as the program contact person not calling them back, long waiting lists and inconvenient times.

Dramatic regional variances in program delivery exist. For example, more than one third of the service locations have no full-time staff, more than two thirds have one or less full-time staff, and close to 40 per cent are open less than 35 hours a week. This circumstance suggests that there is a greater need for funding and for significant infrastructural change.

Honourable senators, we need to look at ways that will ease financial problems and enhance opportunities to improve literacy skills at the regional level. Community-based organizations and coalitions are absolutely essential and need support.

Honourable senators, we need a vision for a literate future.

On motion of Senator Comeau, for Senator Segal, debate adjourned.

THE SENATE

MOTION URGING SUPPORT FOR STABILIZATION AND RECONSTRUCTION OF AFGHANISTAN ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Dallaire, seconded by the Honourable Senator Day:

That the Senate expresses its support of Canada's diplomatic, defence and development contributions for the stabilization and reconstruction of Afghanistan; and

That the Senate commends Canadian Forces personnel, diplomats and humanitarian assistance officials for their contribution in re-building a stable and prosperous Afghanistan.—(*Honourable Senator Fraser*)

Hon. Joan Fraser (Deputy Leader of the Opposition): I move the motion standing in the name of Senator Dallaire.

The Hon. the Speaker pro tempore: Honourable senators, is it your pleasure to adopt the motion?

Motion agreed to.

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF PROCEEDS OF CRIME (MONEY LAUNDERING) AND TERRORIST FINANCING ACT—MOTION IN MODIFICATION

Hon. Jeremiah S. Grafstein, pursuant to notice of September 27, 2006, moved:

That, notwithstanding the Order of the Senate adopted on Tuesday, May 16 2006, the Standing Senate Committee on Banking, Trade and Commerce, which was authorized to undertake a review of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*, be empowered to extend the date of presenting its final report from September 28, 2006 to October 5, 2006; and

That the Committee retain until October 31, 2006 all powers necessary to publicize its findings.

He said: Honourable senators, pursuant to rule 30, I ask leave of the Senate to modify the motion by replacing the words "October 5, 2006" with "June 29, 2007" and "October 31, 2006" with "July 31, 2007."

The Hon. the Speaker pro tempore: Honourable senators, is leave granted?

Hon. Senators: Agreed.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion, as modified?

Motion agreed to, as modified.

THE SENATE

MOTION TO URGE GOVERNMENT TO RECONSIDER DECISION TO DISCONTINUE THE COURT CHALLENGES PROGRAM—DEBATE ADJOURNED

Hon. Serge Joyal, pursuant to notice of September 28, 2006, moved:

That the Senate urge the Government of Canada to reconsider its decision to discontinue the Court Challenges Program which has enabled citizens to seek redress and assert their rights guaranteed under the Constitution and particularly the Charter of Rights and Freedoms;

That the Standing Senate Committee on Official Languages be authorized to study and report on the benefits and results that have been achieved through the Court Challenges Program;

That the Committee submit its final report no later than December 22, 2006; and

That a message be sent to the House of Commons informing it that the Senate regrets the Government's decision to terminate the Court Challenges Program and urges it to take action to persuade the Government to reconsider that decision.

He said: Honourable senators, the issue of minority rights in Canada is a fundamental one. If we want to reflect on the impact of the Court Challenges Program, we have to remind ourselves where we come from as a country and what is the constitutional duty of this chamber of Parliament.

To allow honourable senators to reflect on that program, I feel there is nothing more eloquent than to quote from a book published in 2005, with the help of some senators in this chamber, entitled *Canada's Francophone Minority Communities*, published by Professor Michael Behiels.

I had the privilege of writing the foreword of that book, the first two paragraphs of which read as follows:

The recognition of minority rights has been at the core of our identity as a nation. It is what makes Canada unique. The representatives of the four colonies from which the Canada of today emerged recognized the need to guarantee the rights of the French- and English-speaking minorities. A vision of minority rights inspired our federal structure of government.

• (155)

[Translation]

Our Constitution, the fundamental law of the land, was based on the idea of a new nation that would see the coexistence of both English and French. In this new country, the majority would not assimilate the minority, eventually grinding down any differences. Instead, the Constitution was inspired by a more generous and more humanistic vision of the relationship among human beings. The law, in providing the foundation of our political union, enshrined the right of citizens to be different and challenged the majority to moderate its force and restrain its levelling powers.

[English]

Minority rights issues in Canada, and especially in the Senate, are especially important. When we look back into the history of our country since 1867, there have been major achievements and there have been sad moments. The history of linguistic minority rights in Canada has not been exemplary. Through the years, especially since the 1970s, there has been an effort among politicians of all stripes to try to right the wrong. That became quite obvious after the election of the Parti Québécois in 1976 and the adoption of Bill 101.

Bill 101 had a very important impact on the francophone identity in Quebec and on the self-assurance of Quebecers in affirming their differences. I think that all of us praise that initiative. However, at the time it was proposed in the legislative assembly in Quebec, its impact on anglophone minority rights was questioned. Within the debate at that time, it was determined that there was a need to bring matters to the attention of the court — a more neutral forum where the measure of rights of Quebec francophones and anglophones who could live side by side in peace, in social cohesion and share a common nationality.

At that time, the government saw fit to support court challenges that would address the scope of section 133 of the British North America Act, or the Constitution of 1867, and section 93 dealing with education rights. It is not for me today to recall the details of those cases.

The wisdom that stems from the Supreme Court in Canada in relation to those two issues, the judicial rights and the education rights under the Canadian Constitution, have been the object of extensive court pronouncements. Following the enactment of the Charter of Rights and Freedoms in 1982, it became obvious that

the new education rights especially in section 23 of the Charter would restore the status of francophones and anglophones in their education rights. It became a very important issue.

At that time, I had the privilege holding the office of the Secretary of State of Canada. I convinced my colleagues in the cabinet to widen the financial support for court challenges that would seek the implementation of section 16 to section 23 of the Charter. Let me remind that you section 16 to section 20 deals with the status of languages in Parliament and government institutions, while section 23 addresses the issue of education rights.

The program, from 1982 to 1985, concentrated on linguistic rights, but the new government in 1984, the government of Mr. Mulroney, had an opportunity to revise the program. Under the chairmanship of the then Secretary of State, Mr. Benoit Bouchard, and the Minister of Justice John Crosbie, the program was expanded to add the equality rights, section 15, the gender equality status of section 28, and section 27, the section recognizing multiculturalism in Canada.

It was decided to entrust the government decisions on those court challenges to an arm's length body. In that way, there would not be any political intervention involved in the financing of the court decisions. It is in that context that the government entrusted the Canadian Council on Social Development to administer the program for five years. After five years of the program, in 1990, still under the leadership of Mr. Mulroney, the government asked the standing committee of the House of Commons to review the impact of the program. In 1990, the standing committee of the House of Commons unanimously recommended that the program be renewed for 10 years and to entrust the administration of the program with the Human Rights Research and Education Centre at the University of Ottawa. The administration of the program was given to an outside body administered by an agency of the law faculty of the University of Ottawa. All senators in this chamber will remember the outstanding service that former Senator Beaudoin made to that university, and I think it was appropriate, considering the interest of the University of Ottawa in the study of official languages in Canada. That was the unanimous decision of the standing committee of 1990, a recommendation which the government accepted.

However, as was stated by the Leader of the Government in the Senate, in February 1992, the then president of Treasury Board, the Honourable Gilles Loiselle, announced that the program was to be cancelled. The standing committee of the House of Commons reviewed the decision of the government of the day and, in a June 1992 unanimous report entitled *Paying Too Dearly*, recommended that the program be maintained but restructured.

Honourable senators will remember what happened the following year. We were at the end of the term of the government. There was a new Prime Minister, Prime Minister Kim Campbell. Prime Minister Kim Campbell in August 1993 announced that the government would improve and reinstate the cancelled program under a new name, the Charter law development program. Prime Minister Campbell took that decision after having received the advice of the Canadian Bar Association, the gender committee of the Canadian Bar Association, and the Canadian panel on violence against women.

We all know that the next general election brought a new government, and the new government reinstated the program in 1994. When the program was reinstated, it kept its two objectives, linguistic minority rights plus the rights to equality encompassing section 15 of the Charter, sections 27 and 28, the gender equality provisions and the multiculturalism nature of Canada, plus section 2 of the Charter, which deals essentially with freedom of speech and freedom of conscience or freedom of religion. Those are two objectives or domains that the Court Challenges Program covered.

This, honourable senators, is important. I outlined the historical context to you so you know where we come from in this regard. When the program was abolished, or the announcement was made in 1992, the then Commissioner of Official Languages, Dr. Victor Goldbloom, who happens to be a friend of many senators in this chamber, looking particularly at Senator Bacon, requested an evaluation of the program to determine if the program was meeting its objectives insofar as the official languages minority rights are concerned. In his August 1992 report entitled, *Language Rights and the Court Challenges Programs: A Review of its Accomplishments and Impact of its Abolition*, Professor Richard Goreham gave a thorough evaluation of the program. I would speak to one important point in chapter 5, Summary of Unresolved Issues, at page 38.

• (1600)

As I heard the Honourable Leader of the Government in the Senate say this afternoon, many issues have been dealt with through the financial support of the Court Challenges Programs, but many more identified by the study have yet to be addressed. Those were outlined in the report by Professor Gorham. The report clearly states that some of these issues deal with section 23 of the Charter on education rights. The report quotes the former Chief Justice Brian Dickson of the Supreme Court in the 1990 *Mahe* case, wherein he said:

In its view, the purpose of section 23, education rights, was to correct on a national scale the progressive erosion of minority official language groups and to give effect to the concept of equal partnership of the two official language groups in the context of education.

The court said that the very nature of section 23 is a remedial section of the Charter. This provision tries to correct the wrong of 100 years or so of erosion of minority rights. It is not for the court to pronounce on the political and social context of the day. Rather, its role is to take an existing situation and try to improve upon it.

Between 1982-92, 77 cases have been supported through the Court Challenges Programs, 39 of which dealt with official minority language issues. When the CCP was reinstated in 1994, there was a change in its administration such that it was trusted with a non-profit corporation administered by a seven-member board. The board members were representatives of the Canadian Bar Association, of law faculties across Canada and of the two official linguistic minorities in Canada. The board administered two subcommittees, one dealing with official languages and the other dealing with equality rights. It is important to review some of the cases that were financed over the years by the CCP board.

I reviewed the report on the decisions of the Court Challenges Program cases that were financed between 1994 and 2006. I will provide the house with an outline of some of the cases by category. What kinds of cases find their way through that program? What are we dealing with? Certainly, there are women's issues because of section 28 of the Charter.

The Hon. the Speaker *pro tempore*: I regret to inform the Honourable Senator Joyal that his time has expired.

Senator Joyal: With leave of the Senate, honourable senators, I would ask for five minutes.

Senator Comeau: Not more than five minutes.

Senator Joyal: I thank honourable senators.

Honourable senators, I would outline some cases and their decisions. On women's issues, there were two cases, one dealing with sexual inequality and violence which, of course, involved the Criminal Code; and the other was on the status of women and children as sexual assault complainants, again involving the Criminal Code. As well, visible minorities, which is an important issue, find support in this program. I have found five court cases dealing with visible minority status in Canada. I know that some honourable senators in this chamber have a great interest in that subject.

The first case deals with systemic racism in employment practice, 1996-97; second is the scope of "reasonable doubt" as applied to an African Canadian youth and the relationship with the racial dynamic of the social context, 1997-98; third is the evaluation of racial prejudice of potential candidates for the jury, 1998-99; fourth is the ordering of a new trial following the decision of the previous case; fifth is the issue of determining criminal behaviour based on racism, 2003-04. That outlines a few of the cases dealing with visible minorities under section 15 on equality rights of the Charter; it has nothing to do with language rights, per se.

As well, honourable senators, there are issues dealing with Indians and, in particular, Metis. One case dealing with Metis concerned the exclusion of the Metis from the operation of the specific claims policy. There is a system to deal with claims policies for Indians but it excluded the Metis. As honourable senators are aware, the Metis have territorial rights established by recent decisions in law. Another case concerned the recognition of equality rights for Aboriginal women and another, equality rights of Aboriginal members living off-reserve.

There are other cases dealing with the rights of the handicapped and with eligibility criteria that effectively bars people from progressive disability. Of course, there have been cases of banning discrimination based on sexual orientation, which was debated in the house in a previous Parliament.

There are numerous cases on minority language rights. If I may, I will read 10 of them so that honourable senators will have a better sense of the importance of this motion. The first is the right to an education of equal quality, a case in Newfoundland and Labrador; second, the right to homogenous school programs, a case in Nova Scotia; third, the continuity of language instruction,

a case in Quebec; fourth, the language of work communication and service delivery, a case in New Brunswick; fifth, the delegation of federal government powers and language rights, a case in Ontario; sixth, the territorial government linguistic obligation, a case in the Northwest Territories and Yukon; seventh, judicial rights, a case in Manitoba; eighth, the language of municipal bylaws, a case in New Brunswick; ninth, the underlying constitutional principle of protection for minorities, a case in Ontario; and tenth, the importance of language and culture in the context of instructions.

I had only to glance at cases throughout the report of decisions to know that if the government proceeds with the abolition of the Courts Challenges Program, this house of sober second thought must refer the matter to committee for review of the last 10-12 years and report back to the Senate with recommendations, just as it did in 1990 when it was announced that the program would be abolished. In that way, senators could review the program, measure its impact, evaluate where it is still necessary and conclude the matter.

Honourable senators, this issue calls upon the very nature of our country, a place where the status of one minority reflects on

the status of other minorities; where the commitment to support visible minority rights and remedial initiatives to establish them in their home country with the pride of being in Canada exists as much for Metis, for Indians, for the handicapped, for women, for francophones and for anglophones. Honourable senators, this is an extremely important issue.

I do not want to impugn motive for the reason for that decision to discontinue the CCP. However, I will ask honourable senators for the opportunity to review and reconsider the impact of the program openly and in an objective context by referring the matter to committee or committees of the Senate. That is the best approach.

I thank honourable senators for allowing me to draw their attention to this issue.

On motion of Senator Comeau, debate adjourned.

The Senate adjourned until Wednesday, October 4, 2006, at 1:30 p.m.

APPENDIX

Officers of the Senate

The Ministry

Senators

(Listed according to seniority, alphabetically and by provinces)

Committees of the Senate

THE SPEAKER

The Honourable Noël A Kinsella

THE LEADER OF THE GOVERNMENT

The Honourable Marjory LeBreton, P.C.

THE LEADER OF THE OPPOSITION

The Honourable Daniel Hays

OFFICERS OF THE SENATE**CLERK OF THE SENATE AND CLERK OF THE PARLIAMENTS**

Paul Bélisle

LAW CLERK AND PARLIAMENTARY COUNSEL

Mark Audcent

USHER OF THE BLACK ROD

Terrance J. Christopher

THE MINISTRY

(In order of precedence)

(October 3, 2006)

The Right Hon. Stephen Joseph Harper	Prime Minister
The Hon. Robert Douglas Nicholson	Leader of the Government in the House of Commons and Minister for Democratic Reform
The Hon. David Emerson	Minister of International Trade and Minister for the Pacific Gateway and the Vancouver-Whistler Olympics
The Hon. Jean-Pierre Blackburn	Minister of Labour and Minister of the Economic Development Agency of Canada for the Regions of Quebec
The Hon. Gregory Francis Thompson	Minister of Veterans Affairs
The Hon. Marjory LeBreton	Leader of the Government in the Senate
The Hon. Monte Solberg	Minister of Citizenship and Immigration
The Hon. Chuck Strahl	Minister of Agriculture and Agri-Food and Minister for the Canadian Wheat Board
The Hon. Gary Lunn	Minister of Natural Resources
The Hon. Peter Gordon MacKay	Minister of Foreign Affairs and Minister of the Atlantic Canada Opportunities Agency
The Hon. Loyola Hearn	Minister of Fisheries and Oceans
The Hon. Stockwell Day	Minister of Public Safety
The Hon. Carol Skelton	Minister of National Revenue and Minister of Western Economic Diversification
The Hon. Vic Toews	Minister of Justice and Attorney General of Canada
The Hon. Rona Ambrose	Minister of the Environment
The Hon. Michael D. Chong	President of the Queen's Privy Council for Canada, Minister of Intergovernmental Affairs and Minister for Sport
The Hon. Diane Finley	Minister of Human Resources and Social Development
The Hon. Gordon O'Connor	Minister of National Defence
The Hon. Beverley J. Oda	Minister of Canadian Heritage and Status of Women
The Hon. Jim Prentice	Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians
The Hon. John Baird	President of the Treasury Board
The Hon. Maxime Bernier	Minister of Industry
The Hon. Lawrence Cannon	Minister of Transport, Infrastructure and Communities
The Hon. Tony Clement	Minister of Health and Minister for the Federal Economic Development Initiative for Northern Ontario
The Hon. James Michael Flaherty	Minister of Finance
The Hon. Josée Verner	Minister of International Cooperation and Minister for La Francophonie and Official Languages
The Hon. Michael Fortier	Minister of Public Works and Government Services

SENATORS OF CANADA

ACCORDING TO SENIORITY

(October 3, 2006)

Senator	Designation	Post Office Address
THE HONOURABLE		
Jack Austin, P.C.	Vancouver South	Vancouver, B.C.
Willie Adams	Nunavut	Rankin Inlet, Nunavut
Lowell Murray, P.C.	Pakenham	Ottawa, Ont.
Peter Alan Stollery	Bloor and Yonge	Toronto, Ont.
Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa, Ont.
Michael Kirby	South Shore	Halifax, N.S.
Jerahmiel S. Grafstein	Metro Toronto	Toronto, Ont.
Anne C. Cools	Toronto Centre-York	Toronto, Ont.
Charlie Watt	Inkerman	Kuujuuaq, Que.
Daniel Hays	Calgary	Calgary, Alta.
Joyce Fairbairn, P.C.	Lethbridge	Lethbridge, Alta.
Colin Kenny	Rideau	Ottawa, Ont.
Pierre De Bané, P.C.	De la Vallière	Montreal, Que.
Eymard Georges Corbin	Grand-Sault	Grand-Sault, N.B.
Norman K. Atkins	Markham	Toronto, Ont.
Ethel Cochrane	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.
Mira Spivak	Manitoba	Winnipeg, Man.
Pat Carney, P.C.	British Columbia	Vancouver, B.C.
Gerald J. Comeau	Nova Scotia	Saulnierville, N.S.
Consiglio Di Nino	Ontario	Downsview, Ont.
Donald H. Oliver	Nova Scotia	Halifax, N.S.
Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.
J. Trevor Eytton	Ontario	Caledon, Ont.
Wilbert Joseph Keon	Ottawa	Ottawa, Ont.
Michael Arthur Meighen	St. Marys	Toronto, Ont.
Janis G. Johnson	Winnipeg-Interlake	Gimli, Man.
A. Raynell Andreychuk	Saskatchewan	Regina, Sask.
Jean-Claude Rivest	Stadacona	Quebec, Que.
Terrance R. Stratton	Red River	St. Norbert, Man.
Marcel Prud'homme, P.C.	La Salle	Montreal, Que.
Leonard J. Gustafson	Saskatchewan	Macoun, Sask.
David Tkachuk	Saskatchewan	Saskatoon, Sask.
W. David Angus	Alma	Montreal, Que.
Pierre Claude Nolin	De Salaberry	Quebec, Que.
Marjory LeBreton, P.C.	Ontario	Manotick, Ont.
Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.
Lise Bacon	De la Durantaye	Laval, Que.
Sharon Carstairs, P.C.	Manitoba	Winnipeg, Man.
John G. Bryden	New Brunswick	Bayfield, N.B.
Rose-Marie Losier-Cool	Tracadie	Bathurst, N.B.
Céline Hervieux-Payette, P.C.	Bedford	Montreal, Que.
William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.
Lorna Milne	Peel County	Brampton, Ont.
Marie-P. Poulin	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.

Senator	Designation	Post Office Address
Wilfred P. Moore	Stanhope St./Bluenose	Chester, N.S.
Lucie Pépin	Shawinigan	Montreal, Que.
Fernand Robichaud, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.
Catherine S. Callbeck	Prince Edward Island	Central Bedeque, P.E.I.
Serge Joyal, P.C.	Kennebec	Montreal, Que.
Joan Cook	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Ross Fitzpatrick	Okanagan-Similkameen	Kelowna, B.C.
Francis William Mahovlich	Toronto	Toronto, Ont.
Joan Thorne Fraser	De Lorimier	Montreal, Que.
Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue, Que.
Vivienne Poy	Toronto	Toronto, Ont.
Ione Christensen	Yukon	Whitehorse, Yukon
George Furey	Newfoundland and Labrador	St. John's, Nfld. & Lab.
Nick G. Sibbeston	Northwest Territories	Fort Simpson, N.W.T.
Tommy Banks	Alberta	Edmonton, Alta.
Jane Cordy	Nova Scotia	Dartmouth, N.S.
Elizabeth M. Hubley	Prince Edward Island	Kensington, P.E.I.
Mobina S. B. Jaffer	British Columbia	North Vancouver, B.C.
Jean Lapointe	Saurel	Magog, Que.
Gerard A. Phalen	Nova Scotia	Glace Bay, N.S.
Joseph A. Day	Saint John-Kennebecasis	Hampton, N.B.
Michel Biron	Mille Isles	Nicolet, Que.
George S. Baker, P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.
Raymond Lavigne	Montarville	Verdun, Que.
David P. Smith, P.C.	Cobourg	Toronto, Ont.
Maria Chaput	Manitoba	Sainte-Anne, Man.
Pana Merchant	Saskatchewan	Regina, Sask.
Pierrette Ringuette	New Brunswick	Edmundston, N.B.
Percy Downe	Charlottetown	Charlottetown, P.E.I.
Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire, Que.
Mac Harb	Ontario	Ottawa, Ont.
Marilyn Trenholme Counsell	New Brunswick	Sackville, N.B.
Terry M. Mercer	Northend Halifax	Caribou River, N.S.
Jim Munson	Ottawa/Rideau Canal	Ottawa, Ont.
Claudette Tardif	Alberta	Edmonton, Alta.
Grant Mitchell	Alberta	Edmonton, Alta.
Elaine McCoy	Alberta	Calgary, Alta.
Robert W. Peterson	Saskatchewan	Regina, Sask.
Lillian Eva Dyck	Saskatchewan	Saskatoon, Sask.
Art Eggleton, P.C.	Ontario	Toronto, Ont.
Nancy Ruth	Cluny	Toronto, Ont.
Roméo Antonius Dallaire	Gulf	Sainte-Foy, Que.
James S. Cowan	Nova Scotia	Halifax, N.S.
Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe, Que.
Hugh Segal	Kingston-Frontenac-Leeds	Kingston, Ont.
Larry W. Campbell	British Columbia	Vancouver, B.C.
Rod A.A. Zimmer	Manitoba	Winnipeg, Man.
Dennis Dawson	Lauzon	Sainte-Foy, Que.
Yoine Goldstein	Rigaud	Montreal, Que.
Francis Fox, P.C.	Victoria	Montreal, Que.
Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations, N.B.
Michael Fortier, P.C.	Rougemont	Town of Mount Royal, Que.

SENATORS OF CANADA

ALPHABETICAL LIST

(October 3, 2006)

Senator	Designation	Post Office Address	Political Affiliation
THE HONOURABLE			
Adams, Willie	Nunavut	Rankin Inlet, Nunavut	Liberal
Andreychuk, A. Raynell	Saskatchewan	Regina, Sask.	Conservative
Angus, W. David	Alma	Montreal, Que.	Conservative
Atkins, Norman K.	Markham	Toronto, Ont.	Progressive Conservative
Austin, Jack, P.C.	Vancouver South	Vancouver, B.C.	Liberal
Bacon, Lise	De la Durantaye	Laval, Que.	Liberal
Baker, George S., P.C.	Newfoundland and Labrador	Gander, Nfld. & Lab.	Liberal
Banks, Tommy	Alberta	Edmonton, Alta.	Liberal
Biron, Michel	Mille Isles	Nicolet, Que.	Liberal
Bryden, John G.	New Brunswick	Bayfield, N.B.	Liberal
Callbeck, Catherine S.	Prince Edward Island	Central Bedeque, P.E.I.	Liberal
Campbell, Larry W.	British Columbia	Vancouver, B.C.	Liberal
Carney, Pat, P.C.	British Columbia	Vancouver, B.C.	Conservative
Carstairs, Sharon, P.C.	Manitoba	Winnipeg, Man.	Liberal
Champagne, Andr��e, P.C.	Grandville	Saint-Hyacinthe, Que.	Conservative
Chaput, Maria	Manitoba	Sainte-Anne, Man.	Liberal
Christensen, Ione	Yukon	Whitehorse, Yukon	Liberal
Cochrane, Ethel	Newfoundland and Labrador	Port-au-Port, Nfld. & Lab.	Conservative
Comeau, Gerald J.	Nova Scotia	Saulnierville, N.S.	Conservative
Cook, Joan	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Cools, Anne C.	Toronto Centre-York	Toronto, Ont.	Conservative
Corbin, Eymard Georges	Grand-Sault	Grand-Sault, N.B.	Liberal
Cordy, Jane	Nova Scotia	Dartmouth, N.S.	Liberal
Cowan, James S.	Nova Scotia	Halifax, N.S.	Liberal
Dallaire, Rom��o Antonius	Gulf	Sainte-Foy, Que.	Liberal
Dawson, Dennis	Lauzon	Ste-Foy, Que.	Liberal
Day, Joseph A.	Saint John-Kennebecasis	Hampton, N.B.	Liberal
De Ban��, Pierre, P.C.	De la Valli��re	Montreal, Que.	Liberal
Di Nino, Consiglio	Ontario	Downsview, Ont.	Conservative
Downe, Percy	Charlottetown	Charlottetown, P.E.I.	Liberal
Dyck, Lillian Eva	Saskatchewan	Saskatoon, Sask.	New Democrat
Eggleton, Art, P.C.	Ontario	Toronto, Ont.	Liberal
Eyton, J. Trevor	Ontario	Caledon, Ont.	Conservative
Fairbairn, Joyce, P.C.	Lethbridge	Lethbridge, Alta.	Liberal
Fitzpatrick, Ross	Okanagan-Similkameen	Kelowna, B.C.	Liberal
Fortier, Michael, P.C.	Rougemont	Town of Mount Royal, Que.	Conservative
Fox, Francis, P.C.	Victoria	Montreal, Que.	Liberal
Fraser, Joan Thorne	De Lorimier	Montreal, Que.	Liberal
Furey, George	Newfoundland and Labrador	St. John's, Nfld. & Lab.	Liberal
Gill, Aur��lien	Wellington	Mashteuiatsh, Pointe-Bleue, Que.	Liberal
Goldstein, Yoine	Rigaud	Montreal, Que.	Liberal
Grafstein, Jerahmiel S.	Metro Toronto	Toronto, Ont.	Liberal
Gustafson Leonard J.	Saskatchewan	Macoun, Sask.	Conservative
Harb, Mac	Ontario	Ottawa, Ont.	Liberal
Hays, Daniel	Calgary	Calgary, Alta.	Liberal
Hervieux-Payette, C��line, P.C.	Bedford	Montreal, Que.	Liberal
Hubley, Elizabeth M.	Prince Edward Island	Kensington, P.E.I.	Liberal
Jaffer, Mobina S. B.	British Columbia	North Vancouver, B.C.	Liberal

Senator	Designation	Post Office Address	Political Affiliation
Johnson, Janis G.	Winnipeg-Interlake	Gimli, Man.	Conservative
Joyal, Serge, P.C.	Kennebec	Montreal, Que.	Liberal
Kenny, Colin	Rideau	Ottawa, Ont.	Liberal
Keon, Wilbert Joseph	Ottawa	Ottawa, Ont.	Conservative
Kinsella, Noël A., <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton, N.B.	Conservative
Kirby, Michael	South Shore	Halifax, N.S.	Liberal
Lapointe, Jean	Sauvel	Magog, Que.	Liberal
Lavigne, Raymond	Montarville	Verdun, Que.	Liberal
LeBreton, Marjory, P.C.	Ontario	Manotick, Ont.	Conservative
Losier-Cool, Rose-Marie	Tracadie	Bathurst, N.B.	Liberal
Lovelace Nicholas, Sandra	New Brunswick	Tobique First Nations, N.B.	Liberal
Mahovich, Francis William	Toronto	Toronto, Ont.	Liberal
Massicotte, Paul J.	De Lanaudière	Mont-Saint-Hilaire, Que.	Liberal
McCoy, Elaine	Alberta	Calgary, Alta.	Progressive Conservative
Meighen, Michael Arthur	St. Marys	Toronto, Ont.	Conservative
Mercer, Terry M.	Northend Halifax	Caribou River, N.S.	Liberal
Merchant, Pana	Saskatchewan	Regina, Sask.	Liberal
Milne, Lorna	Peel County	Brampton, Ont.	Liberal
Mitchell, Grant	Alberta	Edmonton, Alta.	Liberal
Moore, Wilfred P.	Stanhope St./Bluenose	Chester, N.S.	Liberal
Munson, Jim	Ottawa/Rideau Canal	Ottawa, Ont.	Liberal
Murray, Lowell, P.C.	Pakenham	Ottawa, Ont.	Progressive Conservative
Nancy Ruth	Cluny	Toronto, Ont.	Conservative
Nolin, Pierre Claude	De Salaberry	Quebec, Que.	Conservative
Oliver, Donald H.	Nova Scotia	Halifax, N.S.	Conservative
Pépin, Lucie	Shawinigan	Montreal, Que.	Liberal
Peterson, Robert W.	Saskatchewan	Regina, Sask.	Liberal
Phalen, Gerard A.	Nova Scotia	Glace Bay, N.S.	Liberal
Pitfield, Peter Michael, P.C.	Ottawa-Vanier	Ottawa, Ont.	Independent
Poulin, Marie-P.	Nord de l'Ontario/Northern Ontario	Ottawa, Ont.	Liberal
Poy, Vivienne	Toronto	Toronto, Ont.	Liberal
Prud'homme, Marcel, P.C.	La Salle	Montreal, Que.	Independent
Ringuette, Pierrette	New Brunswick	Edmundston, N.B.	Liberal
Rivest, Jean-Claude	Stadacona	Quebec, Que.	Independent
Robichaud, Fernand, P.C.	New Brunswick	Saint-Louis-de-Kent, N.B.	Liberal
Rompkey, William H., P.C.	North West River, Labrador	North West River, Labrador, Nfld. & Lab.	Liberal
St. Germain, Gerry, P.C.	Langley-Pemberton-Whistler	Maple Ridge, B.C.	Conservative
Segal, Hugh	Kingston-Frontenac-Leeds	Kingston, Ont.	Conservative
Sibbeston, Nick G.	Northwest Territories	Fort Simpson, N.W.T.	Liberal
Smith, David P., P.C.	Cobourg	Toronto, Ont.	Liberal
Spivak, Mira	Manitoba	Winnipeg, Man.	Independent
Stollery, Peter Alan	Bloor and Yonge	Toronto, Ont.	Liberal
Stratton, Terrance R.	Red River	St. Norbert, Man.	Conservative
Tardif, Claudette	Alberta	Edmonton, Alta.	Liberal
Tkachuk, David	Saskatchewan	Saskatoon, Sask.	Conservative
Trenholme Counsell, Marilyn	New Brunswick	Sackville, N.B.	Liberal
Watt, Charlie	Inkerman	Kuujuuaq, Que.	Liberal
Zimmer, Rod A.A.	Manitoba	Winnipeg, Man.	Liberal

SENATORS OF CANADA
BY PROVINCE AND TERRITORY
 (October 3, 2006)

ONTARIO—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Lowell Murray, P.C.	Pakenham	Ottawa
2 Peter Alan Stollery	Bloor and Yonge	Toronto
3 Peter Michael Pitfield, P.C.	Ottawa-Vanier	Ottawa
4 Jerahmiel S. Grafstein	Metro Toronto	Toronto
5 Anne C. Cools	Toronto Centre-York	Toronto
6 Colin Kenny	Rideau	Ottawa
7 Norman K. Atkins	Markham	Toronto
8 Consiglio Di Nino	Ontario	Downsview
9 John Trevor Eyton	Ontario	Caledon
10 Wilbert Joseph Keon	Ottawa	Ottawa
11 Michael Arthur Meighen	St. Marys	Toronto
12 Marjory LeBreton, P.C.	Ontario	Manotick
13 Lorna Milne	Peel County	Brampton
14 Marie-P. Poulin	Northern Ontario	Ottawa
15 Francis William Mahovlich	Toronto	Toronto
16 Vivienne Poy	Toronto	Toronto
17 David P. Smith, P.C.	Cobourg	Toronto
18 Mac Harb	Ontario	Ottawa
19 Jim Munson	Ottawa/Rideau Canal	Ottawa
20 Art Eggleton, P.C.	Ontario	Toronto
21 Nancy Ruth	Cluny	Toronto
22 Hugh Segal	Kingston-Frontenac-Leeds	Kingston
23		
24		

SENATORS BY PROVINCE AND TERRITORY

QUEBEC—24

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Charlie Watt	Inkerman	Kuujuuaq
2 Pierre De Bané, P.C.	De la Vallière	Montreal
3 Jean-Claude Rivest	Stadacona	Quebec
4 Marcel Prud'homme, P.C.	La Salle	Montreal
5 W. David Angus	Alma	Montreal
6 Pierre Claude Nolin	De Salaberry	Quebec
7 Lise Bacon	De la Durantaye	Laval
8 Céline Hervieux-Payette, P.C.	Bedford	Montreal
9 Lucie Pépin	Shawinigan	Montreal
10 Serge Joyal, P.C.	Kennebec	Montreal
11 Joan Thorne Fraser	De Lorimier	Montreal
12 Aurélien Gill	Wellington	Mashteuiatsh, Pointe-Bleue
13 Jean Lapointe	Saurel	Magog
14 Michel Biron	Milles Isles	Nicolet
15 Raymond Lavigne	Montarville	Verdun
16 Paul J. Massicotte	De Lanaudière	Mont-Saint-Hilaire
17 Roméo Antonius Dallaire	Gulf	Sainte-Foy
18 Andrée Champagne, P.C.	Grandville	Saint-Hyacinthe
19 Dennis Dawson	Lauzon	Ste-Foy
20 Yoine Goldstein	Rigaud	Montreal
21 Francis Fox, P.C.	Victoria	Montreal
22 Michael Fortier, P.C.	Rougemont	Town of Mount Royal
23		
24		

SENATORS BY PROVINCE-MARITIME DIVISION

NOVA SCOTIA—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Michael Kirby	South Shore	Halifax
2 Gerald J. Comeau	Nova Scotia	Saulnierville
3 Donald H. Oliver	Nova Scotia	Halifax
4 Wilfred P. Moore	Stanhope St./Bluenose	Chester
5 Jane Cordy	Nova Scotia	Dartmouth
6 Gerard A. Phalen	Nova Scotia	Glace Bay
7 Terry M. Mercer	Northend Halifax	Caribou River
8 James S. Cowan	Nova Scotia	Halifax
9		
10		

NEW BRUNSWICK—10

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Eymard Georges Corbin	Grand-Sault	Grand-Sault
2 Noël A. Kinsella, <i>Speaker</i>	Fredericton-York-Sunbury	Fredericton
3 John G. Bryden	New Brunswick	Bayfield
4 Rose-Marie Losier-Cool	Tracadie	Bathurst
5 Fernand Robichaud, P.C.	Saint-Louis-de-Kent	Saint-Louis-de-Kent
6 Joseph A. Day	Saint John-Kennebecasis, New Brunswick	Hampton
7 Pierrette Ringuette	New Brunswick	Edmundston
8 Marilyn Trenholme Counsell	New Brunswick	Sackville
9 Sandra Lovelace Nicholas	New Brunswick	Tobique First Nations
10		

PRINCE EDWARD ISLAND—4

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Catherine S. Callbeck	Prince Edward Island	Central Bedeque
2 Elizabeth M. Hubley	Prince Edward Island	Kensington
3 Percy Downe	Charlottetown	Charlottetown
4		

SENATORS BY PROVINCE-WESTERN DIVISION

MANITOBA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Mira Spivak	Manitoba	Winnipeg
2 Janis G. Johnson	Winnipeg-Interlake	Gimli
3 Terrance R. Stratton	Red River	St. Norbert
4 Sharon Carstairs, P.C.	Manitoba	Winnipeg
5 Maria Chaput	Manitoba	Sainte-Anne
6 Rod A.A. Zimmer	Manitoba	Winnipeg

BRITISH COLUMBIA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Jack Austin, P.C.	Vancouver South	Vancouver
2 Pat Carney, P.C.	British Columbia	Vancouver
3 Gerry St. Germain, P.C.	Langley-Pemberton-Whistler	Maple Ridge
4 Ross Fitzpatrick	Okanagan-Similkameen	Kelowna
5 Mobina S.B. Jaffer	British Columbia	North Vancouver
6 Larry W. Campbell	British Columbia	Vancouver

SASKATCHEWAN—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 A. Raynell Andreychuk	Saskatchewan	Regina
2 Leonard J. Gustafson	Saskatchewan	Macoun
3 David Tkachuk	Saskatchewan	Saskatoon
4 Pana Merchant	Saskatchewan	Regina
5 Robert W. Peterson	Saskatchewan	Regina
6 Lillian Eva Dyck	Saskatchewan	Saskatoon

ALBERTA—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Daniel Hays	Calgary	Calgary
2 Joyce Fairbairn, P.C.	Lethbridge	Lethbridge
3 Tommy Banks	Alberta	Edmonton
4 Claudette Tardif	Alberta	Edmonton
5 Grant Mitchell	Alberta	Edmonton
6 Elaine McCoy	Alberta	Calgary

SENATORS BY PROVINCE AND TERRITORY

NEWFOUNDLAND AND LABRADOR—6

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Ethel Cochrane	Newfoundland and Labrador	Port-au-Port
2 William H. Rompkey, P.C.	North West River, Labrador	North West River, Labrador
3 Joan Cook	Newfoundland and Labrador	St. John's
4 George Furey	Newfoundland and Labrador	St. John's
5 George S. Baker, P.C.	Newfoundland and Labrador	Gander
6

NORTHWEST TERRITORIES—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Nick G. Sibbeston	Northwest Territories	Fort Simpson

NUNAVUT—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Willie Adams	Nunavut	Rankin Inlet

YUKON—1

Senator	Designation	Post Office Address
THE HONOURABLE		
1 Ione Christensen	Yukon	Whitehorse

ALPHABETICAL LIST OF STANDING, SPECIAL AND JOINT COMMITTEES

(As of October 3, 2006)

*Ex Officio Member

ABORIGINAL PEOPLES

Chair: Honourable Senator St. Germain

Deputy Chair: Honourable Senator Sibbeston

Honourable Senators:

Campbell,	Gill,	* LeBreton,	Segal,
Dyck,	Gustafson,	(or Comeau)	Sibbeston,
* Hays,	Hubley,	Lovelace Nicholas,	St. Germain,
(or Fraser)		Peterson,	Watt.

Original Members as nominated by the Committee of Selection

*Campbell, Dyck, *Hays (or Fraser), Gill, Gustafson, Hubley, *LeBreton, (or Comeau),
Lovelace Nicholas, Peterson, Segal, Sibbeston, St. Germain, Watt, Zimmer*

AGRICULTURE AND FORESTRY

Chair: Honourable Senator Fairbairn

Deputy Chair: Honourable Senator Gustafson

Honourable Senators:

Callbeck,	* Hays,	Mahovlich	Peterson,
Christensen,	(or Fraser)	Munson,	Segal,
Cochrane,	* LeBreton,	Mitchell,	Tkachuk.
Fairbairn,	(or Comeau)	Oliver,	
Gustafson			

Original Members as nominated by the Committee of Selection

*Callbeck, Christensen, Fairbairn, *Hays (or Fraser), Gustafson, *LeBreton, (or Comeau),
Mahovlich, Mercer, Mitchell, Oliver, Pépin, Peterson, Segal, Tkachuk.*

BANKING, TRADE AND COMMERCE

Chair: Honourable Senator Grafstein

Deputy Chair: Honourable Senator Angus

Honourable Senators:

Angus,	* Hays,	Harb,	Massicotte,
Biron,	(or Fraser)	Hervieux-Payette,	Meighen,
Fitzpatrick,	Goldstein,	* LeBreton,	Moore,
	Grafstein,	(or Comeau)	Nancy Ruth,
			Tkachuk.

Original Members as nominated by the Committee of Selection

*Angus, Biron, Eyton, Fitzpatrick, *Hays (or Fraser), Goldstein, Grafstein, Harb, Hervieux-Payette,
LeBreton, (or Comeau), Massicotte, Meighen, Moore, Tkachuk.

CONFLICT OF INTEREST FOR SENATORS

Chair: Honourable Senator Joyal

Deputy Chair: Honourable Senator Andreychuk

Honourable Senators:

Andreychuk,
Angus,

Carstairs,

* Hays,
(or Fraser)
Joyal,

* LeBreton,
(or Comeau)
Robichaud.

Original Members as nominated by the Committee of Selection

*Andreychuk, Angus, Carstairs, *Hays (or Fraser),
Joyal, *LeBreton, (or Comeau), Robichaud.*

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

Chair: Honourable Senator Banks

Deputy Chair: Honourable Senator Cochrane

Honourable Senators:

Adams,
Angus,
Banks,
Carney,

Cochrane,
Fox,
* Hays,
(or Fraser)

Kenny,
Lavigne,
* LeBreton,
(or Comeau)

Milne,
Sibbeston,
Tardif.

Original Members as nominated by the Committee of Selection

*Angus, Banks, Carney, Cochrane, Fox, *Hays (or Fraser), Hervieux-Payette, Lavigne,
LeBreton, (or Comeau), Milne, Peterson, Sibbeston, Spivak, Tardif.

FISHERIES AND OCEANS

Chair: Honourable: Senator Rompkey

Deputy Chair: Honourable Senator Johnson

Honourable Senators:

Adams,
Baker,
Campbell,
Cochrane,
Comeau,

Cowan,
Eyton,
* Hays,
(or Fraser)

Gill,
Hubley,
* LeBreton,
(or Comeau)

Meighen,
Rompkey,
Watt.

Original Members as nominated by the Committee of Selection

*Adams, Baker, Campbell, Comeau, Cowan, Forrestall, *Hays (or Fraser), Gill, Hubley, Johnson,
LeBreton, (or Comeau), Meighen, Rompkey, Watt.

FOREIGN AFFAIRS

Chair: Honourable Senator Segal

Deputy Chair: Honourable Senator Stollery

Honourable Senators:

Andreychuk,	Di Nino,	* LeBreton,	Segal,
Corbin,	Downe,	(or Comeau)	Smith,
Dawson,	Eyton,	Mahovlich,	Stollery.
De Bané,	* Hays,	Merchant,	
	(or Fraser)		

Original Members as nominated by the Committee of Selection

*Andreychuk, Corbin, Dawson, De Bané, Di Nino, Downe, *Hays (or Fraser),
LeBreton, (or Comeau), Mahovlich, Merchant, Segal, Smith, St. Germain, Stollery.

HUMAN RIGHTS

Chair: Honourable Senator Andreychuk

Deputy Chair: Honourable Senator Carstairs

Honourable Senators:

Andreychuk,	* Hays,	* LeBreton,	Nancy Ruth,
Carstairs,	(or Fraser)	(or Comeau)	Peterson,
Dallaire,	Kinsella,	Lovelace Nicholas,	Poy.
		Munson,	

Original Members as nominated by the Committee of Selection

*Andreychuk, Carstairs, Dallaire, *Hays (or Fraser), Kinsella,
LeBreton, (or Comeau), Lovelace Nicholas, Munson, Nancy Ruth, Pénin, Poy.

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

Chair: Honourable Senator Furey

Deputy Chair: Honourable Senator Nolin

Honourable Senators:

Comeau,	* Hays,	* LeBreton,	Poulin,
Cook,	(or Fraser)	(or Comeau)	Prud'homme,
Downe,	Jaffer,	Massicotte,	Robichaud,
Furey,	Kenny,	Nolin,	Stollery,
	Kinsella,	Phalen,	Stratton.

Original Members as nominated by the Committee of Selection

*Banks, Cook, Day, De Bané, Di Nino, Furey, *Hays, P.C (or Fraser), Jaffer, Kenny, Keon,
LeBreton, (or Comeau), Lynch-Staunton, Massicotte, Nolin, Poulin, Robichaud, Stratton.

LEGAL AND CONSTITUTIONAL AFFAIRS

Chair: Honourable Senator Oliver

Deputy Chair: Honourable Senator Milne

Honourable Senators:

Andreychuk,	Day,	* LeBreton,	Ringuette,
Baker,	* Hays,	(or Comeau)	Rivest,
Campbell,	(or Fraser)	Nolin,	Stratton,
Cowan,	Joyal,	Oliver,	Zimmer.

Original Members as nominated by the Committee of Selection

*Andreychuk, Baker, Bryden, Cools, Furey, *Hays (or Fraser), Jaffer, Joyal,
LeBreton, (or Comeau), Milne, Nolin, Oliver, Ringuette, Rivest.

LIBRARY OF PARLIAMENT (Joint)

Joint Chair: Honourable Senator

Honourable Senators:

Johnson,	Oliver,	Poy,	Trenholme Counsell.
Lapointe,			

Original Members agreed to by Motion of the Senate

Johnson, Lapointe, Oliver, Poy, Trenholme Counsell.

NATIONAL FINANCE

Chair: Honourable Senator Day

Deputy Chair: Honourable Senator Nancy Ruth

Honourable Senators:

Biron,	Eggleton,	* LeBreton,	Nancy Ruth,
Comeau,	Fox,	(or Comeau)	Ringuette,
Cowan,	* Hays,	Mitchell,	Rompkey.
Day,	(or Fraser)	Murray,	
Di Nino,			

Original Members as nominated by the Committee of Selection

*Biron, Cools, Cowan, Day, Eggleton, Fox, *Hays (or Fraser),
LeBreton, (or Comeau), Mitchell, Murray, Nancy Ruth, Ringuette, Rompkey, Stratton.

NATIONAL SECURITY AND DEFENCE

Chair: Honourable Senator Kenny

Deputy Chair: Honourable Senator

Honourable Senators:

Atkins,	Day,	Kenny,	Moore,
Banks,	* Hays,	* LeBreton,	Poulin,
Campbell,	(or Fraser)	(or Comeau)	St. Germain.
		Meighen,	

*Original Members as nominated by the Committee of Selection**Atkins, Banks, Campbell, Day, Forrestall, *Hays (or Fraser), Kenny,
LeBreton, (or Comeau), Meighen, Poulin, Watt.

VETERANS AFFAIRS

(Subcommittee of National Security and Defence)

Chair: Honourable Senator Meighen

Deputy Chair: Honourable Senator Day

Honourable Senators:

Atkins,	* Hays,	* LeBreton,	Meighen.
Day,	(or Fraser)	(or Comeau)	
Forrestall,	Kenny,		

OFFICIAL LANGUAGES

Chair: Honourable Senator Chaput

Deputy Chair: Honourable Senator Champagne

Honourable Senators:

Campbell,	Comeau,	Jaffer,	Losier-Cool,
Champagne,	* Hays,	* LeBreton,	Robichaud,
Chaput,	(or Fraser)	(or Comeau)	Tardif.

*Original Members as nominated by the Committee of Selection**Champagne, Chaput, Comeau, *Hays (or Fraser), Jaffer, *LeBreton, (or Comeau),
Losier-Cool, Plamondon, Robichaud, Tardif, Trenholme Counsell.*

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

Chair: Honourable Senator Di Nino

Deputy Chair: Honourable Senator Smith

Honourable Senators:

Andreychuk,	* Hays,	* LeBreton,	Robichaud,
Bryden,	(or Fraser)	(or Comeau)	Smith,
Corbin,	Joyal,	Losier-Cool,	Stratton,
Cordy,	Keon,	McCoy,	Tardif.
Di Nino,		Mitchell,	

Original Members as nominated by the Committee of Selection

*Andreychuk, Bryden, Carstairs, Cools, Corbin, Cordy, Di Nino, *Hays (or Fraser), Joyal, *LeBreton, (or Comeau), Losier-Cool, McCoy, Mitchell, Robichaud, Smith, Stratton, Tardif.*

SCRUTINY OF REGULATIONS (Joint)

Joint Chair: Honourable Eyton

Vice-Chair:

Honourable Senators:

Biron,	De Bané,	Harb,	Nolin,
Bryden,	Eyton,	Moore,	St. Germain.

Original Members as agreed to by Motion of the Senate

Biron, Bryden, De Bané, Eyton, Harb, Moore, Nolin, St. Germain,

SELECTION

Chair: Honourable Senator Stratton

Deputy Chair: Honourable Senator Cook

Honourable Senators:

Austin,	Cook,	* LeBreton,	Stratton,
Bacon,	Fairbairn,	(or Comeau)	Tkachuk.
Carstairs,	* Hays,	Oliver,	
Champagne,	(or Fraser)		

Original Members agreed to by Motion of the Senate

*Austin, Bacon, Carstairs, Champagne, Cook, Fairbairn, *Hays (or Fraser), *LeBreton, (or Comeau) Oliver, Stratton, Tkachuk.*

SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY

Chair: Honourable Senator Kirby

Deputy Chair: Honourable Senator Keon

Honourable Senators:

Callbeck,	Cordy,	* Hays,	* LeBreton,
Champagne,	Eggleton,	(or Fraser)	(or Comeau)
Cochrane,	Fairbairn,	Keon,	Nancy Ruth,
Cook,	Gill,	Kirby,	Trenholme Counsell.

Original Members as nominated by the Committee of Selection

*Callbeck, Champagne, Cochrane, Cook, Cordy, Eggleton, Fairbairn, Forrestall,
*Hays (or Fraser), Keon, Kirby, *LeBreton, (or Comeau), Pépin, Trenholme Counsell.*

TRANSPORT AND COMMUNICATIONS

Chair: Honourable Senator Bacon

Deputy Chair: Honourable Senator Tkachuk

Honourable Senators:

Bacon,	Eyton,	* LeBreton,	Merchant,
Carney,	* Hays,	(or Comeau)	Munson,
Christensen,	(or Fraser)	Losier-Cool,	Tkachuk,
Cowan,	Johnson,	Mercer,	Zimmer.

Original Members as nominated by the Committee of Selection

*Adams, Bacon, Carney, Dawson, Eyton, *Hays (or Fraser), Johnson,
LeBreton, (or Comeau), Mercer, Merchant, Munson, Phalen, Tkachuk, Zimmer.

THE SPECIAL SENATE COMMITTEE ON THE ANTI-TERRORISM ACT

Chair: Honourable Senator Smith

Deputy Chair: Honourable Senator Nolin

Honourable Senators:

Andreychuk,	* Hays,	Joyal,	Nolin,
Day,	(or Fraser)	Kinsella,	Smith.
Fairbairn,	Jaffer,	* LeBreton,	
Fraser,		(or Comeau)	

Original Members as nominated by the Committee of Selection

*Andreychuk, Day, Fairbairn, Fraser, Hays (or Fraser), Jaffer, Joyal,
Kinsella, *LeBreton, (or Comeau), Nolin, Smith.*

THE SPECIAL SENATE COMMITTEE ON THE SENATE REFORM

Chair: Honourable Senator Hays

Deputy Chair: Honourable Senator Angus

Honourable Senators:

Angus,
Austin,
Chaput,
Dawson,

* Hays,
(or Fraser)
Hubley,

* LeBreton,
(or Comeau)
Murray,

Munson,
Segal,
Tardif,
Tkachuk.

Original Members as nominated by the Committee of Selection

*Adams, Andreychuk, Angus, Austin, Bacon, Baker, Banks, Biron
Carney, *Hays (or Fraser), *LeBreton, (or Comeau), Murray.*

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CANADA

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39th PARLIAMENT

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VOLUME 143

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NUMBER 34

OFFICIAL REPORT
(HANSARD)

Wednesday, October 4, 2006



THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Wednesday, October 4, 2006

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

AFGHANISTAN—FALLEN SOLDIERS

The Hon. the Speaker: Honourable senators, before we proceed, I would ask senators to rise and observe one minute of silence in memory of Sergeant Craig Paul Gillam and Corporal Robert Thomas James Mitchell, whose tragic deaths occurred yesterday while serving their country in Afghanistan.

Honourable senators then stood in silent tribute.

[Translation]

SENATORS' STATEMENTS

WORLD TEACHERS' DAY

Hon. Rose-Marie Losier-Cool: Honourable senators, I proudly rise today to recognize World Teachers' Day, which will be celebrated tomorrow, October 5, 2006.

[English]

This year's theme says it all: Teachers make all the difference in the world. I know that each and every one of us can remember a teacher who made a difference in our lives.

[Translation]

All of us have enjoyed the patience, wisdom, humour, comfort, encouragement and support of teachers, whether in grade school, high school, college or university. We can therefore all appreciate how pivotal the role of teachers is in society; without them, society would lack structure and a future.

Since coming to the Senate, I have often repeated how education is the key to personal, social and economic development and success. Since education is the key to this future and teachers are a primary vehicle for this education, you will agree with me that teachers are most likely the most important members of society anywhere in the world.

Teaching has been an important part of my life, both in the classes I taught and in national or provincial associations. I am not the only former teacher in this chamber.

The teaching profession is a stimulating and satisfying one, but it is not without its share of difficulties. We know that our Canadian society is constantly evolving, particularly where its values, technological infrastructure and professional opportunities are concerned.

Our teachers, both men and women, have to deal with situations today which are often much more complex and difficult than in my day. This is why they deserve even more respect and loyalty. Let us remember that these teachers are the key to our children's success, and that of our grandchildren and great-grandchildren. Let us thank them from the bottom of our hearts.

[English]

Why not call a teacher tonight or tomorrow?

THE SENATE

DR. GARY O'BRIEN—TRIBUTES ON RETIREMENT

Hon. Bill Rompkey: Honourable senators, I rise today to add my comments to the comments Senator Stratton made yesterday about Dr. Gary O'Brien. I saw Mr. Blair Armitage in the Reading Room and I congratulated him. If the other table officers had been there, I would have also congratulated them, as well as the Clerk of the Senate on his wisdom and perception. Mr. Armitage said, "We will miss Gary. I do not know how we will get on without him." That said it all.

Yesterday, Senator Stratton went through Gary's curriculum vitae, so I will not repeat it. I simply wish to emphasize the personal characteristics that Gary brought to us. He was unfailingly courteous at all times. I never saw him operate in any other way. He was knowledgeable. He knew the rules but, moreover, he also had corporate memory, knowing what went on previously, which is so important around here. Gary would say, "The last time we did it, this is the way it happened." That is very important.

Gary had a sense of humour and you could joke with him. That greases the wheels of this place and makes it a lot easier to work here. He was conscientious and very meticulous in ensuring that you did the right thing at the right time, and he would give you advice in advance. He was discreet. He would never tell us what the other side was thinking and, I assume, he would never tell them what we were thinking. I never forgave him for that, but that discretion was an attribute that stood him in good stead. He was a coach to all of us, and I think we all benefitted from his presence here. We will miss him.

• (1340)

I simply want to say to Gary, thank you very much for all you have done.

By the way, Gary is jogging now out in the fresh air away from some of the staleness that sometimes inhabits this chamber. We wish him well.

Hon. Senators: Hear, hear!

CANADIAN BREAST CANCER PATIENT CHARTER

Hon. A. Raynell Andreychuk: Honourable senators, this past Sunday I joined 1,800 residents — mainly survivors, friends and other community members — in the Canadian Breast Cancer Foundation CIBC Run for the Cure. In 50 other cities, the same event was taking place. No doubt, many members from this chamber took part.

I want to commend the survivors, their friends and the volunteers for their tenacity, persistence and, above all, their message of hope for breast cancer survivors and their families.

I also want to bring to the attention of this chamber and to the people of Canada a new initiative called the Canadian Breast Cancer Patient Charter, which was launched Sunday, May 7, 2006, at Reasons for Hope 2006, the fourth scientific conference of the Canadian Breast Cancer Research Alliance in Montreal, Quebec.

Canadians face significant challenges related to breast cancer care. Access to the highest standard of care varies widely from place to place, from province to province, and between urban and rural areas.

Certain populations, including Aboriginal women, experience particular difficulties. As a society, Canadians struggle with rising treatment costs and the contradictions of a medicare system that covers only those treatments delivered in a hospital setting. Individuals, families and caregivers face the heavy emotional and financial burden that come with a cancer diagnosis.

This patient charter is not a legal document; rather, it is a road map of principles that charts the way to improve knowledge and quality of life for the growing number of Canadian patients diagnosed with breast cancer. In fact, one in nine women will face breast cancer in some form during their lives.

The charter is especially important in a time when incidence rates are rising and the overall number of patients is increasing as our population ages, even as incremental advances in screening and treatment are contributing to better overall survivor rates.

The document can be found on the Internet at www.canadianbreastcancerpatientcharter.com. Although this document is written with breast cancer patients in mind, its broad brush strokes apply generally to all cancer patients.

STUDENT FUNDING AND INDEBTEDNESS

Hon. Elizabeth Hubley: Honourable senators, about one year ago I brought to the attention of honourable senators the serious deficiencies and inequities in our funding of post-secondary education in Canada; in particular, the problems of escalating tuition and other costs and the shameful spectre of student loan debt, which is now estimated by the Canadian Federation of Students to be more than \$12 billion. Tuition fees have almost doubled over the past 15 years in the face of shrinking transfers to the provinces.

It has now been demonstrated that asking students and their families to shoulder more of the funding burden results in decreased rates of participation by low- and middle-income groups. In spite of tuition freezes and reductions in some

provinces, going to college or university is still unaffordable for many bright and capable young Canadians. We must do better.

Regrettably, the groundbreaking and ill-fated 50/50 Program put forward by the previous Martin Liberal government, which promised to assist all students regardless of their financial circumstances or problems, could not be implemented. However, it should be a directional marker for the present Conservative government, showing the type of creative approaches that are possible in addressing the post-secondary education funding issue.

One thing is very clear to me: We need a progressive and strong national policy for post-secondary education, one that is student-centred and respects provincial jurisdiction while not being afraid to exercise the federal government's legitimate responsibility and authority in this crucially important area.

• (1345)

Honourable senators, today one of our national student organizations, the Canadian Federation of Students, is on Parliament Hill meeting with members of all parties to bring greater attention to the issues of post-secondary funding and student debt. I support their efforts and urge the government to focus on the needs of our colleges and universities and on our students.

FEDERAL ACCOUNTABILITY BILL

Hon. David Tkachuk: Honourable senators, I rise today to speak about the issue of accountability and responsibility. Last week I rose during Question Period to ask the Chairman of the Standing Senate Committee on Legal and Constitutional Affairs process type questions about the committee's hearings into Bill C-2. The chairman provided this chamber with excellent information, which included that as of last week the committee had heard from over 120 witnesses through at least 75 hours of hearings, and that testimony was beginning to become repetitive. In fact, the Senate has heard from 51 more witnesses than had been heard by the House committee studying Bill C-2.

Honourable senators, after the expensive wreckage of the sponsorship scandal and the tens of millions of dollars lost, Canadians have every right to expect that after losing the 2006 federal election the Liberal Party of Canada and its members should have learned that Canadians demand accountability. I thought about the hearings of the Standing Senate Committee on Legal and Constitutional Affairs and the information provided to this chamber last week, and I cannot understand why Liberal senators are continuing to throw up roadblocks to the passage of Bill C-2, the proposed federal accountability act, when Canadians clearly want their politicians and political parties to behave responsibly and with accountability.

Canada's new government introduced Bill C-2 as its first piece of legislation this past April and sent the proposed law to the Senate in June. Conservative senators were prepared to meet through the summer to pass legislation and the Liberals refused to

cooperate. With the length of hearings and the long witness lists, one can only presume that the Liberal committee members are unnecessarily delaying the new accountability legislation.

The question to ask is: For what reason? There is a convention coming up in early December where I expect tax receipts will still be issued even if personal contributions add up to over \$1,000. Donations in large amounts will still be accepted from corporations and unions, and the five-year lobbying ban on former ministers, their aides and senior public servants will not stop these people from working the rooms in December, safe from the eyes of the Auditor General.

The culture of entitlement is alive and well, and Liberals will still be Liberals. It is not about Canadians for the Liberal Party; it is about the Liberal Party, and I hope that Canadians are paying attention.

CELTIC COLOURS INTERNATIONAL FESTIVAL

Hon. Jane Cordy: Honourable senators, it is with great pleasure that I rise today to congratulate the Celtic Colours International Festival of Cape Breton, Nova Scotia, for its nomination for the "Event of the Year" award presented by the Tourism Industry Association of Canada. The Celtic Colours International Festival is one of the three finalists for the award, with the winner to be announced at a gala dinner October 23 in Jasper, Alberta.

Cape Breton Island is host each year to the Celtic Colours International Festival, celebrating North America's only living Celtic culture. Over the nine days of the festival, Cape Breton is home to a unique celebration of music and culture, as the Celtic Colours International Festival presents dozens of concerts all over the island. There are close to 100 workshops, a visual art series of exhibitions and a nightly Festival Club.

The festival has grown over the years and now artists from all over the globe are invited to join some of Cape Breton's finest singers, players, dancers and tradition bearers in the celebration. Artists from Scotland, Ireland, Wales, Denmark, Spain, New Zealand, England, the United States and across Canada will be performing.

This year's festival is looking to be the most successful yet. A record number of advance tickets have been sold and the number of attendees from all over the world is increasing. Now celebrating its tenth anniversary, the Celtic Colours International Festival runs from October 6 to October 14, which happens to coincide with the Senate break week.

I would like to invite all senators to visit Cape Breton next week for an immersion in Celtic culture and a guaranteed fun time.

• (1350)

MATRIMONIAL REAL PROPERTY ON RESERVE

Hon. Mobina S. B. Jaffer: Honourable senators, I rise to speak on the issue of matrimonial real property on reserve and the rights of Aboriginal women.

Last week, the Minister of Indian Affairs and Northern Development announced consultations within the Aboriginal community on the issue of property rights for women on reserves. Over this past weekend, Senator Shirley Maheu and Senator Thelma Chalifoux have been very much in my thoughts.

I remember taking part in a steering committee meeting with Senators Maheu and Chalifoux, speaking to then Minister of Indian Affairs Robert Nault. Both women spoke so passionately of the challenges that Aboriginal women face, being forced to leave the matrimonial home with their children after the breakup of a marriage.

Both senators worked hard to produce an interim report entitled: *A Hard Bed to Lie In: Matrimonial Real Property on Reserve*. As the report stated:

The Committee strongly believes that each and every government, be it the Canadian government or First Nations governing bodies, has a duty to respect and protect the rights of Aboriginal women...

Since the release of that report, the Standing Senate Committee on Human Rights has continued its work on this issue, preparing another outstanding report under the leadership of our colleague Senator Andreychuk, whose work on this issue has been equally tireless and passionate. The committee continues to work on these issues up to this day with the help of Senator Carstairs, who I know took a direct and active interest in this issue as the Leader of the Government in the Senate as well.

At the time when the Senate is under a microscope and our very existence is called into question, we should acknowledge the work of the Standing Senate Committee on Human Rights as the best kind of contribution this place is able to make to our democracy. It is a tribute to our departed colleague Senator Maheu, as a lifelong defender of the rights of women, and to our former colleague Senator Chalifoux, who has worked for years as a champion for the rights of Aboriginal women. It is an example for all of us of the kind of positive footprint this chamber can make on our laws and the support we can give to ensure all Canadians have the full benefits of their rights in our society.

As the promised consultations move forward, the challenge for all of us will be to ensure that this work — which reflects the needs of Canada's Aboriginal women so well — is reflected in the legislation that will eventually result.

I rise today to salute the work of Senator Maheu and Senator Chalifoux on this issue.

[Later]

TREASURY BOARD

TERMINATION OF SECRETARIAT ON PALLIATIVE AND END-OF-LIFE CARE— RESPONSE TO COMMENTS OF SENATOR

Hon. David Tkachuk: Honourable senators, yesterday, during Question Period, a senator mistakenly attributed some contrary comments made about a vulnerable group of people to me. He referred to me as the "senator from Saskatchewan" and said:

[Senator Tkachuk]

Would the Leader of the Government in the Senate ask the Honourable John Baird, President of the Treasury Board, to reconsider these cuts? It is not a great deal of money but it goes such a long way in helping those people who are the most vulnerable, contrary to what the Senator from Saskatchewan had to say.

When I tried to seek immediate clarification — and our whip even tried to raise a point of order, although I am aware that according to rule 23.1 you cannot do so during Question Period — the questioner replied that I had made a joke of his comments about who is the most vulnerable.

I would like all senators who were here yesterday, or who may be aware of the mistaken comments made by that senator during Question Period, to know that I made no contrary comments or jokes whatsoever with respect to any vulnerable group in society, in Saskatchewan, or in Canada. In fact, a great deal of my work as a senator is concerned with vulnerable groups in society. One only need look at my years served on the Standing Senate Committee on Aboriginal Peoples, my Senate public bills and statements I have made since my appointment in 1993.

Senators may not agree with opinions or statements I make from time to time, but they may not attribute words to me that I have never said. I hope this will not happen to another senator since we all in this place face the challenges of representing and defending the interests of minorities in Canada, a privilege that I know none of us takes lightly.

ROUTINE PROCEEDINGS

STUDY ON NATIONAL SECURITY POLICY

REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE TABLED

Hon. Colin Kenny: Honourable senators, I have the honour to table, in both official languages, the fourth report of the Standing Senate Committee on National Security and Defence entitled: *Managing Turmoil, The Need to Upgrade Canadian Foreign Aid and Military Strength to Deal with Massive Change*.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Kenny, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

COMMITTEE OF SELECTION

FOURTH REPORT OF COMMITTEE PRESENTED

Hon. Terry Stratton, Chair of the Committee of Selection, presented the following report:

Wednesday, October 4, 2006

The Committee of Selection has the honour to present its

FOURTH REPORT

Your Committee recommends a change of membership to the following committee:

Standing Senate Committee on Official Languages

The Honourable Senator Murray, P.C., replaces the Honourable Senator Plamondon as a member of the Standing Senate Committee on Official Languages.

Respectfully submitted,

TERRY STRATTON
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Stratton, with leave of the Senate and notwithstanding rule 58(1)(g), report placed on the Orders of the Day for consideration later this day.

• (1355)

[Translation]

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SENATE ADJOURNMENT

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, in accordance with Rule 95(3), the Standing Senate Committee on Legal and Constitutional Affairs be required to meet the following dates; Tuesday, October 10, 2006 from 4:00 pm until 9:00 pm, Wednesday, October 11, 2006 from 9:00 am until 9:00 pm, Thursday, October 12, 2006 from 9:00 am until 9:00 pm and Friday, October 13, 2006 from 9:00 am until 9:00 pm, even though the Senate may then be adjourned for a period exceeding one week.

L'ASSEMBLÉE PARLEMENTAIRE DE LA FRANCOPHONIE

MEETING WITH OFFICIALS OF THE SECRETARIAT GENERAL, MAY 19-26, 2006—REPORT TABLED

Hon. Andrée Champagne: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report by the Parliamentary Delegation of the Canadian Branch of the Assemblée parlementaire de la Francophonie following its meeting with the officials of the Secretariat General of the APF in Paris on May 19, 2006, and in Amman, Jordan, Jerusalem, Israel, Ramallah, West Bank, and Damascus, Syria, from May 21 to 26, 2006.

QUESTION PERIOD

TREASURY BOARD

TERMINATION OF COURT CHALLENGES PROGRAM

Hon. Marie-P. Poulin: Honourable senators, my question is for the Leader of the Government in the Senate. Yesterday, in response to a question from the Leader of the Opposition, she said, and I quote the October 3 *Debates*:

... I do not think that any taxpayer who would have supported the original Court Challenges Program would think that there would be anything left to challenge with regard to the Charter.

Yet, Madame Minister must remember the Montfort Hospital affair, which happened very recently. The case involved challenging a provincial government ruling, which reversed a decision to close the only French-speaking university teaching hospital in the province of Ontario.

[English]

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. I happen to be one of the people who supported Gisèle Lalonde and the people at the Montfort Hospital.

This government will always defend minority rights and minority language rights. Nothing in our savings announcements will change that fact.

[Translation]

Senator Poulin: This is precisely what concerns me. There is quite a discrepancy between what you say and what you do. If we recall the Montfort affair, the defendant before the court was indeed the Government of Ontario, represented at the time by none other than Messrs. Baird and Flaherty. They are now the ministers in your cabinet who decided to cancel the program that provided the funding for the case, which they lost. Does this not represent a conflict of interest?

[English]

Senator LeBreton: Honourable senators, I am here to answer for the new Conservative government of Prime Minister Harper. I am not here to answer for decisions of provincial governments of any stripe.

• (1400)

JUSTICE

STATUS OF SPECIFIC CASES FOLLOWING TERMINATION OF COURT CHALLENGES PROGRAM

Hon. Tommy Banks: Honourable senators, my question is addressed to the Leader of the Government in the Senate. It concerns the same sort of issue as that raised by Senator Poulin in her question. I am reminded by Senator Poulin that the honourable leader said yesterday, more or less, that things ought to all have been taken care of by now.

My first question in respect of the cancellation of the Court Challenges Program is this: Is the money gone? Will those cases that are presently being prosecuted under funding agreements which have been made between the Court Challenges Program and the plaintiffs continue to be fought or will they be cut off in midstream?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, that is a good question, and I will simply take it as notice.

Senator Banks: I look forward to the answer.

Honourable senators, my supplementary question is in respect of things having been taken care of because the law has been in place for a long time.

The Canadian Forces Superannuation Act, which was promulgated in 1901 — 105 years ago — contains a provision called the gold diggers provision. This provision prevents young women who have married older veterans in the hopes, one assumes, that the veterans will die, and that they will continue to collect the veterans' pensions for a long time, from collecting those pensions. That was 105 years ago, honourable senators. A court challenge, funded by the Court Challenges Program, however, was brought by such a wife in anticipation of the day, some years hence, when she might become a widow. I am wondering whether that case has been cut off.

Further, a friend of mine, whose name is Kiviaq, has brought an action against the government in respect of Inuit rights. I happen to know that that case went through a severe and arduous adjudication process at the Court Challenges Program in order to determine, first, whether the case was of sufficient merit that public monies could be put in to assist him.

Yesterday, the minister suggested that persons do not need to have that kind of assistance because they can go elsewhere for funding. She gave a good example of that in the case of a mother who was bereaved at the loss of a son, and who used the organization Mothers Against Drunk Driving, or MADD, as a vehicle to obtain assistance in funding.

My friend Kiviaq has brought an action and he does not seem to have any place that he can or could go in order to obtain assistance in levelling that legal playing field on which he is obliged to play at the Supreme Court save the Court Challenges Program.

In these two cases, and in myriad others, I am asking the question that I first asked, of which the leader has taken notice. I am hopeful of an answer that will affirm that at least those cases that are already in progress will be allowed to continue.

Senator LeBreton: I cannot provide an answer to the second example that the honourable senator has cited. However, I am well aware of the first example. Obviously, the matter has been before the courts for a long time, including through many years of Liberal government, and it has not been resolved. I will simply take both cases to the Department of Justice and ask for a response.

STATUS OF LEGAL AID FUNDING

Hon. Mobina S.B. Jaffer: Honourable senators, my question is addressed to the Leader of the Government in the Senate. It concerns federal funding for legal aid.

We have seen the dismantling of the Law Commission of Canada under this government. Even more shocking, we have seen the destruction of the Court Challenges Program that had allowed minorities and other vulnerable groups to fight for their rights before our courts. I am sure honourable senators will agree that access to justice is of great concern to us all.

The Minister of Justice will soon be meeting with his provincial counterparts to discuss these and other issues. As the current federal-provincial-territorial cost-sharing agreement has been extended only as far as March 31, 2007, can the minister tell us if this minority government will commit to the stabilization of funding for legal aid?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thank Senator Jaffer for her question. It is interesting that every program that the previous government bought into, or brought, in somehow or other must, by necessity, stay on our books forever.

As a result of the review of which I was a part, we did eliminate funding to the Law Commission of Canada, resulting in a saving of \$4.2 million over two years. The rationale we used was that the study of the laws of Canada and the provision of advice on reforms can be carried out within government departments; through the Canadian Bar Association; internal research and analysis; through federal, provincial or territorial working groups and through our work in international associations. Within the portfolio of the Department of Justice, the Government of Canada spends well over \$1.4 billion annually. This includes the Department of Justice, the Courts Administration Service, the Supreme Court of Canada, and various tribunals and commissions.

• (1405)

Senator Jaffer: Would the leader kindly answer my question as to whether the government will commit to stabilize funding to Legal Aid?

Senator LeBreton: My answer to the honourable senator was clear. The government spends \$1.4 billion annually. It is my understanding that Legal Aid has been primarily the responsibility of provincial governments. The cuts, revisions and savings that the government announced will stand.

INTERNATIONAL TRADE

INFRASTRUCTURE FUNDING
FOR ACCESS TO PACIFIC GATEWAY

Hon. Grant Mitchell: Honourable senators, it has not taken this government long to begin taking the people of Alberta for granted. Despite the importance of the Pacific Gateway to the diversification of the agricultural economy of Alberta and

the West, the government has completely dropped the ball in two critical areas: first, the development of infrastructure for getting products to market; and, second, the development of markets, particularly China in the Pacific Rim, for those products. It should be known, and I hope the government realizes this, that far less than 2 per cent of China's import markets are Canadian.

Could the Leader of the Government in the Senate please tell this chamber why the government has reduced the funding for infrastructure under the Pacific Gateway over the next five years from the \$590 million committed by the former Liberal government to a paltry \$160 million? Albertan and other farmers in the West need that money to get their products, through new infrastructure, to markets in the Pacific Rim.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I do not accept the honourable senator's statement that the government is forgetting Albertan farmers. Minister Emerson has been active on the Pacific Gateway file and the government is not ignoring China. As a matter of fact, the Minister of Agriculture and Agri-Food is planning to visit China next week. In both cases, I do not accept the premise of the honourable senator's question.

Senator Mitchell: The leader may say that the government is not ignoring China and, certainly, after eight or nine months it is nice to see that the Minister of Agriculture will travel there. Could the Leader of the Government in the Senate square that observation — that the government is not diminishing China — with the series of conscious actions it has taken to diminish relations with China? First, the Minister of Foreign Affairs delayed an official meeting with the Chinese Ambassador to Canada. Such meetings are matter of course after a new government is formed. Second, the government dropped the CanTrade negotiations with China. This government has taken initiatives that clearly provoke and offend China and has excluded China from its list of priority countries in the development of Asia-Pacific markets. The government announced a list that clearly excludes China.

Could the Leader of the Government in the Senate please explain how that adds up to making China a needed priority for Canada's development of Pacific Rim markets for Alberta and Western agricultural products to make the Pacific Gateway program work properly? You are dropping the ball.

• (1410)

Senator LeBreton: I am not a person who plays sports, so I do not think I could ever be accused of dropping the ball.

I do not know to which list the honourable senator is referring. Minister Emerson, who is very much engaged in the issue of the Pacific Rim, has been working diligently on all matters of the Pacific Rim. I have never seen a list anywhere that specifically says that we are ignoring China. I do not think such a list exists.

Senator Mitchell: The honourable leader might want to read the Conservative election platform and the announcement made by the now Prime Minister in British Columbia.

Further to my question, could the Leader of the Government in the Senate please give us or pledge to provide an update on the status of the inland container port that has been requested by Grand Prairie? Federal funding would be a great asset in allowing that initiative to go forward.

Senator LeBreton: I wonder whether the honourable senator is representing the company.

An Hon. Senator: Withdraw!

Senator LeBreton: I do apologize. I just could not resist.

The fact is that I have no knowledge of that specific interest. I will take that inquiry as a delayed answer.

[Translation]

OFFICIAL LANGUAGES

COURT CHALLENGES PROGRAM— MANDATE OF COMMITTEE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, my question is for the Chair of the Standing Senate Committee on Official Languages. Senator Joyal has presented a motion asking the committee to examine an issue that interests him a great deal: the Court Challenges Program.

The purpose of my question is not to underscore the merit of this motion — many senators are interested in this issue — but to check something. I have checked with the Conservative members of the Committee on Official Languages, and none of them were approached by Senator Joyal to ask whether they wanted to examine this motion.

Were the opposition members on the Committee on Official Languages asked whether they wanted to examine the issue or were even interested in looking at the issue, before the motion was presented in this chamber?

Hon. Maria Chaput: Honourable senators, I believe that any senator is entitled to present a motion. I agree with that principle. That said, no, I was not consulted. However, I was notified that day that Senator Joyal was going to present that motion. He sent me a very courteous note to let me know. As I understand it, senators are always free to present any motions they wish in the Senate.

Senator Comeau: I have an additional question. I did not in any way suggest that senators are not entitled to introduce motions. That was not the aim of my question. The purpose of my question was to challenge the value of his motion. My question was: Were the committee members consulted? The answer is no.

The committee held lengthy discussions at several meetings and after consultation, we reached a consensus to examine two issues. If the Senate adopts Senator Joyal's motion, what will happen to the studies that are under way, for which reports are due to be completed by December 31, 2006?

Can the Chair of the Committee on Official Languages tell us whether we will be able to complete the projects we have already started or whether we will have to set them aside and look at other issues?

[Senator Mitchell]

• (1415)

Senator Chaput: Honourable senators, if the motion is referred to the Committee on Official Languages, the committee members will decide how to prioritize the activities planned for the remainder of this year and for next year.

[English]

TREASURY BOARD

SPENDING CUTS TO NATIONAL LITERACY SECRETARIAT— COMMENTS BY MINISTER OF FOREIGN AFFAIRS

Hon. Catherine S. Callbeck: Honourable senators, my question is for the Leader of the Government in the Senate. Last Friday, the Minister of Foreign Affairs was in Prince Edward Island. When asked by the media about the cuts to the literacy programs, he said, "I do not think anyone should panic." He then went on to say, "Just as quickly as programs might find themselves without funding, they may very quickly find that funding again, if the case can be made through the federal and provincial governments that there is good value for the dollar."

My question is this: Does this mean that the government will restore the cuts to literacy? I am sure that the P.E.I. Alliance and other groups would like to know if there is a plan. If so, would the Leader of the Government in the Senate explain the details?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I am glad to note that Senator Callbeck has actually acknowledged that there is a very good minister of the Crown responsible for Prince Edward Island, and that he was there last week doing his work.

Senator Callbeck: That is what he is paid for.

Senator LeBreton: I have not seen a transcript of exactly what Minister MacKay said. However, there has been a significant overlap in programs. In the case of literacy, as I have said on many occasions, we are expending over \$81 million on literacy programs. Many of the savings were made in areas where there was overlap, or where duplication obviously would not directly benefit the people who require the assistance.

Since I do not have before me exactly what the minister said, I will not try to interpret what he could have been referring to, although he could have been referring to the overlap of many programs. Other programs pick up areas when savings like this have been made.

Honourable senators, I do not think anyone in this country would argue that \$81 million is not a considerable sum of money that the government is investing in literacy and in skills training for our citizens, whether they be adults or young people entering the workforce.

Senator Callbeck: I would be happy to send the leader a copy of what the minister said.

Honourable senators, I find the government's response to these literacy cuts to be extremely confusing. In the original press release announcing the cuts, including literacy, these programs were described as "wasteful" and "ineffective," but it was reported in our local newspaper last Saturday that the Minister of Foreign Affairs told Islanders not to worry about a permanent loss of literacy funding on Prince Edward Island.

Does that mean that the literacy cuts to the programs on Prince Edward Island will be restored?

Senator LeBreton: The honourable senator questioned me at another time about improper representation on Prince Edward Island. However, Minister MacKay has been over to the Island quite a few times.

Honourable senators, when we announced these savings, they fell into four categories: Value for money; funds that were not used and therefore were put into savings; efficiency; and non-core programs.

• (1420)

I will not respond to a newspaper article the honourable senator referred to until I have had an opportunity to speak to Minister MacKay and ascertain exactly what he said.

I do not think there is any doubt that the savings we announced have generally been very well-received across the country, except by the Liberals with their pet projects.

In any event, the announcement has been well-received. I thank Senator Callbeck for pointing out that Minister MacKay is doing such a great job as political minister for P.E.I.

SPENDING CUTS TO NATIONAL LITERACY SECRETARIAT

Hon. Joyce Fairbairn: Honourable senators, in the past week we have heard much about the \$17.7 million in federal money that has been removed from literacy programs across this country. That may not sound like much here in the nation's capital where we make laws. However, today I returned a call from Linda Richards in Saskatchewan. She is a strong woman and long-time learner who now helps others through the Saskatchewan Literacy Network, an organization that has been funded with help from Ottawa. Ninety per cent of its resources will disappear by the end of November. The doors will close for support groups in places such as Prince Albert, Regina, Swift Current and Saskatoon, where the literacy system has been at its strongest ever.

Across the border in my hometown of Lethbridge, one of the finest literacy leaders in this country, Margot Pollard, runs the Read-On program in the public library, helping 100 adult clients each year. "We cannot be silent," she said. "We need to tell government how we want them to spend our dollars, and we need to tell them we want support for these human services."

These messages are flowing in daily from all across the country. I would like to ask the Honourable Leader of the Government in the Senate: Does the needs of such a foundation issue not warrant a second thought from the federal government?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question. When she speaks of the various individuals who have contacted her office, I cannot imagine that people committed to literacy issues will discontinue their work in support of literacy because there have been savings in the literacy program. As I have pointed out many times, the money we have committed to literacy skills training is significant. I would hope these people make efforts to access the funds we are committing to literacy instead of assuming that somehow their commitment to literacy will no longer be valid because we have found savings in one particular part of the program.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting a delayed answer to the oral question raised by the Honourable Senator Rompkey on June 21, 2006, regarding the refit of the *CCGS J.E. Bernier*.

NATIONAL DEFENCE

ARCTIC SOVEREIGNTY—REFIT OF *CCGS J.E. BERNIER*

(Response to question raised by Hon. Bill Rompkey on June 21, 2006)

The Coast Guard will not proceed with the stationing of a Coast Guard vessel in Goose Bay as was proposed by the previous Government. Hence the planned refit of the *CCGS J.E. Bernier* associated with that proposal has been cancelled.

Minister O'Connor, the Minister responsible for National Defence, is preparing a plan for the Labrador coastal area. The Coast Guard will assess its possible role as the National Defence plan unfolds.

[English]

NATIONAL SECURITY AND DEFENCE

RESPONSE TO REQUEST FOR INFORMATION TABLED

Hon. Eymard G. Corbin: Honourable senators, on behalf of Senator Kenny, Chair of the Standing Senate Committee on National Security and Defence, I am pleased to table his answer to a question from Senator Tkachuk on June 27, 2006.

(For text of documents, see Appendix, p. 828)

• (1425)

ORDERS OF THE DAY

OFFICIAL LANGUAGES COMMISSIONER

APPOINTMENT OF MR. GRAHAM FRASER— CONSIDERATION IN COMMITTEE OF THE WHOLE

On the Order:

The Senate in Committee of the Whole in order to receive Mr. Graham Fraser respecting his appointment as Official Languages Commissioner.

The Senate was accordingly adjourned during pleasure and put into Committee of the Whole in order to receive Mr. Graham Fraser on the matter of his appointment as Official Languages Commissioner, the Honourable Rose-Marie Losier-Cool in the chair.

[Translation]

The Chairman: Pursuant to the order, the Senate is put into a Committee of the Whole in order to receive Mr. Graham Fraser respecting his appointment as Official Languages Commissioner.

[English]

Before we begin, may I bring your attention to rule 83 of the *Rules of the Senate*, which states:

83. When the Senate is put into Committee of the Whole every Senator shall sit in the place assigned to that Senator. A Senator who desires to speak shall rise and address the Chair.

Is it your pleasure, honourable senators, that rule 83 be waived?

Hon. Senators: Agreed.

[Translation]

Senator Comeau: Honourable senators, I move, seconded by the Honourable Senator Chaput, that Mr. Graham Fraser be invited to take a seat in the Senate Chamber.

The Chairman: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

• (1430)

The Chairman: Mr. Fraser, on behalf of all the honourable senators, I welcome you to the Senate. You have been invited here to answer questions regarding your nomination as Official Languages Commissioner.

[English]

We will begin with your opening statement. Afterwards I will open the floor for questions from senators. Mr. Fraser, you may begin with a brief statement.

Mr. Graham Fraser: Thank you, Madam Chairman and honourable senators. Good afternoon. I am honoured to be before you to discuss my nomination to be Commissioner of Official Languages. As a journalist, I have had the pleasure of watching your debates, both in this chamber and in committee, but never before from this vantage point. I thank you for the privilege.

I am reminded of an appearance that I once made before a neighbourhood committee that was engaged in the planning of urban renewal in a neighbourhood in Toronto called Trefann Court. I wanted to write a book about the planning process in that neighbourhood and wanted to get permission from the committee to proceed. I was very aware of the tensions that existed between the homeowners, the tenants and the businessmen and did not want to say anything that would compromise my position or suggest that I had taken sides, so I was very nervous.

I made my presentation. The committee said that it was okay if I wrote the book, and I went ahead and wrote it. At the end of that meeting, one of the homeowners said to one of the community workers, "If he writes like he talks, it will not be much of a book."

It is a particular honour to be considered for the position of Commissioner of Official Languages. I have followed the careers of the previous commissioners, read their reports, and gone to their press conferences and committee hearings. I know several of them and I have a great deal of respect for all of them. It is an important and challenging position.

Let me introduce myself. I was born in Ottawa and moved to Toronto as an adolescent with my family, attending the University of Toronto where I acquired a B.A. and later an M.A. in history. I became a journalist in 1968 and, with a few breaks to travel, study or write books, I have worked in Canadian journalism since then for *The Toronto Star*, *The Globe and Mail*, *Maclean's* and *The Gazette* in Toronto, Montreal, Quebec City, Washington and Ottawa.

I have spent a significant part of my career writing about Quebec for the rest of Canada and, in a column for *Le Devoir* between 1995 and 2000, about the rest of Canada for Quebec. However, the critical experience that made that career possible occurred when I was a unilingual, English-speaking university student.

In 1965, I went to work on an archaeological dig at Fort Lennox on L'Île-aux-Noix on the Richelieu River, south of Montreal. That summer, I not only learned French, I discovered how little I had known or understood my own country. I developed a deep interest in, and affection for, Quebec which has lasted ever since.

It was also, paradoxically, an experience which helped me to understand both the difficulty of learning a second language and something of the immigrant experience; for learning another language and culture makes one more empathetic to those who have moved here from other countries.

[Translation]

Since then, I have always felt that, rather than being contradictory, as some claim, linguistic duality and cultural diversity are very closely linked. I would even say that in the absence of conscious or unconscious recognition that Canada is made up of two linguistic communities, the very idea of multiculturalism would be a hard sell.

Despite this intimate connection between linguistic duality and cultural diversity, it seems to me that this connection is still misunderstood. I believe that one of the next commissioner's most important tasks will be to keep explaining this important relationship, not just to majority language communities, but to minority communities as well.

Just like anglophone communities, francophone communities have become receiving communities for immigrants.

[English]

Since my nomination, I have been asked several times to articulate my vision for the commissioner. I felt that I should wait until meeting with you to do so. The first, most important point is my belief in the importance of linguistic duality in Canada. I think it is one of the central, defining characteristics of the country.

As you know, the commissioner has six roles or functions in the enforcement of the Official Languages Act — a promotion and education role, a monitoring role in terms of the impact of government initiatives, a liaison role with minority communities, an ombudsman role in dealing with complaints, an auditing function in terms of the public service and a judicial intervention function.

I described the role of the commissioner recently as “part cheerleader, part nag” — and in looking more closely at those six functions, three fall into the cheerleading function and three into the nagging category. These are also related. The more successful the commissioner is in promoting, educating, monitoring and doing liaison, the fewer complaints and court actions there will be.

[Translation]

The commissioner is an officer of Parliament. This is particularly important now because of amendments to the legislation. These amendments were not undertaken by the current government, nor by the previous one.

This legislation was amended for the first time since 1988 thanks to our parliamentarians, especially our senators. The amendments came about thanks in large part to the hard work of your former colleague, Senator Jean-Robert Gauthier. I would like to pay tribute to him. This was a long-term undertaking, and I congratulate you on seeing it through.

You know better than I that these amendments provide important tools enabling minority communities to demand that the government pay attention to their needs. I think that the next commissioner's first priority will be to ensure the successful implementation of Part VII of the act.

I stand before you in a rather unusual situation. Six months ago, I published a book on language policy called *Sorry, I Don't Speak French*. I wrote the book because I wanted to remind English Canadians that the language issue is still of vital importance to the country. Allow me to share some of the main points I wanted to emphasize in my book, points that illustrate my perception of linguistic duality in Canada.

First, I noted that language policy is not intended to protect or even promote bilingualism, even though its success is unattainable unless a certain number of Canadians are bilingual. It exists, rather, to protect unilingual Canadians. There are 4 million unilingual francophones in Canada and 20 million unilingual anglophones.

The act exists to guarantee that the 7 million francophones, and more particularly the 4 million unilingual francophones, receive federal government services just as well and just as efficiently as the 20 million unilingual anglophones and the anglophone minority in Quebec.

The act does not exist to force people to learn another language or to create a country in which everyone is bilingual. Often, language policy is alluded to as a dream, as something that is unrealistic or unachievable. If I thought that were true, I would not be here before the Senate today.

• (1440)

One message that I tried to convey in my book, although it may seem banal, is that English and French are Canadian languages. French is not a secret code, nor the exclusive property of Quebecers. The French language belongs to all Canadians, just as English belongs to all Canadians. It is our heritage — and an opportunity.

[English]

However, there are other, broader challenges that face the next commissioner beyond the amendments to the law.

Immigration is transforming Canada's cities and it will be a continuing challenge to convey the importance of linguistic duality to those newcomers. Immigration, cultural diversity, economic and technological change have been constant factors in Canada, not only over the last four decades since the Official Languages Act has been in force, but throughout our history. The next commissioner will need to respond to those changes, just as the previous commissioners have done.

The fundamental question, in my view, remains the one that the late André Laurendeau and the late Davidson Dunton would ask at the beginning of the public hearings of the Royal Commission on Bilingualism and Biculturalism four decades ago: Can English-speaking and French-speaking Canadians live together, and do they want to do so? I believe that an official languages policy that works is essential if the answer to those questions continues to be in the affirmative.

Thank you, honourable senators. I would be glad to answer your questions.

[Translation]

The Chairman: Thank you, Mr. Fraser. The senators now have the floor. If you would like to ask questions, please rise or raise your hand. Senator Comeau now has the floor.

Senator Comeau: Mr. Fraser, welcome to the Senate and to Parliament. I have admired your work as a journalist for many years. I have had the opportunity to travel with you in the past and you have always been a true gentleman. You are an excellent choice and I support your nomination.

My question concerns Bill S-3. You mentioned it in your speech, as well as the work done by some senators, particularly Senator Jean-Robert Gauthier. The subject is broader than one might think. It will involve significant consequences and profound implications for federal institutions as they consider program development and the impact on official language minority communities.

How do you think this legislation will affect government departments and future legislation?

Mr. Fraser: As I said in my remarks, I think that this is the next commissioner's top priority. There are a number of reasons not to give specific answers to your question.

First, I am not yet the commissioner. The current commissioner has made a statement about the impact of the government's recent announcements. I do not want to either minimize or exaggerate the impact of her comments before I take over the position if the nomination is approved.

I am coming in with questions such as: Will the government's decisions have an impact on the act? Are there court cases under way that will be affected? What will be the general impact?

Regarding the amendments to the act, I think it is very important that the implementation of the new act get off to a successful start. When I looked at the past, what struck me was that every time there was a change in the act, there was a catch-up period. Parliamentarians set a schedule, and it takes a certain amount of time before the public service, the departments and the government can meet the objectives set by the parliamentarians.

Currently, with the amendments to the act, it is very important to take a long-term, strategic approach to avoid any initial failure that would undermine the impact of the act.

I hesitate to go any further, except perhaps to say that, before giving an opinion or developing a strategic plan, I will look at the files very carefully and seek advice so as to ensure that the implementation of the act is a success.

Senator Comeau: In your opinion, and without compromising yourself of course, how should we go about fulfilling these new obligations? There will certainly be implementation, and perhaps some objectives ought to be considered before moving forward with implementation.

Mr. Fraser: I hesitate to get into the details of any specific approaches, but I promise to consult widely. I would very much like to consult you and the committee on what approach to

implementing the act ought to be taken. I am also thinking about conducting, early in my mandate, wide consultation with minority communities to identify the sensitive issues, in an effort to determine where this instrument can be helpful to them. I am well aware that there are senators here who are much more familiar than I am with the details of the various files concerning minority communities. I can tell you that this is one of the first tasks awaiting the next commissioner.

Senator Comeau: You can count on our full cooperation, Mr. Fraser.

Senator Chaput: Welcome to our chamber, Mr. Fraser. It is a pleasure for me to have the opportunity to speak with you today. I have read your book with great interest. You are certainly a great communicator. You have just mentioned the consultation process. Is consultation something essential, a first step toward something better, in the role of the Commissioner of Official Languages? If so, in a consulting with communities, which priorities or issues would you want to address most urgently with the official language minority communities?

Mr. Fraser: Consultation is something that I take very seriously. I consider the consultation process to be active listening, as opposed to merely listening passively to those who are expressing themselves. I think there is a distinction between consultation and citizen participation in the government's decision making process. As I understand it at this point, the advantage of the commissioner's role is this liaison role. I can see more possibilities than just consulting groups. I would also want them to report on what they do and to convey their claims, not only to the government, but to other minority groups. Because one of the challenges faced by minority communities is that they are so scattered across the country that there is not necessarily direct communication on what is being done, from St. Boniface to Moncton, or in the other minority communities.

• (1450)

This is particularly the case here, in Ontario, where minority communities are scattered. I am reluctant to state my priorities before embarking on a consultation process. It compromises the process somewhat if we tell people that we are listening, but that first we want to state our priorities.

I would rather begin by understanding the priorities of minority communities and finding out what their most important needs are. In Ottawa, I may have an idea of what those priorities might be, but it would distort, to some extent, the consultation process if we came in with set ideas on other people's priorities.

Senator Nolin: Mr. Fraser, welcome. One of the reasons I believe the government made the right choice is the fact that you are an anglophone Canadian who has been following the evolution of Quebec society very closely over the past 30 years.

You referred to that experience in your book and also in your introductory remarks. In those remarks, you told us that the coexistence of Canadian biculturalism and bilingualism ought to be seen as an advantage, by all Canadians.

Mr. Fraser: Quite right.

Senator Nolin: When you speak of the transformation of Quebec society, particularly Montreal society, you will agree that a distinction must be made between the linguistic evolution or adaptation to the linguistic reality in Montreal and the somewhat different process outside the province of Quebec. Montrealers have been able to incorporate bilingualism into their daily life, in observance of Bill 101. No Montrealer — I am one, and you were one for several years — has any doubts about the advantages of learning these two languages.

How do you see your role in promoting this reality, which you yourself have observed in Quebec? Are you going to promote this view outside of Quebec?

Mr. Fraser: One of the things I have observed is that the language barrier has resulted in the two communities having very little knowledge of one another in daily life. It is inevitable, in some ways, because in English Canada, in general, you only see Quebecers on television, and television avoids sub-titles. Thus, in general, when you see a Quebecer on television, he or she is a bilingual Quebecer. That leads the vast majority of English Canadians to believe that all Quebecers are bilingual. They have seen them on television, and so it must be true.

In my book, I tried to emphasize that there are four million unilingual francophones; the majority of Quebec francophones are unilingual. What has changed in Quebec over the past 40 years is that Quebec is now such an economically, culturally and socially dynamic society that someone can be a minister in a government, deputy minister, mayor, or millionaire businessperson without speaking English. And even if you do speak English, if you live outside Montreal, you lose it because outside Montreal life is conducted in French. This is a fundamental aspect of the reality — not only the Quebec reality but also the Canadian reality — that is misunderstood.

I think Quebecers do not really understand that outside of Montreal — although Montrealers realize this — the anglophone minority is now almost as bilingual, at 65 per cent, as the francophone minorities outside of Quebec. Thus, in terms of percentages, Quebec anglophones are twice as bilingual as Quebec francophones.

The fact that we have a majority unilingual society in English Canada and a majority unilingual francophone society in Quebec changes the issue entirely. How can we communicate with the dynamism of these two different societies? What are the points of reference? What are the points of contact? The message I am trying to send is that French is a Canadian language that is an asset for all Canadians, but it is an asset we can take advantage of only if we have access to that society's dynamism — if we can see French-language films and read French-language newspapers and books.

It is dangerous to believe that all Quebecers are bilingual. This really skews people's perception of the importance of language laws. Some people think the laws only protect jobs for Quebecers who can function in English anyway. If the mayor of Rimouski comes to Ottawa with serious questions about fishing quotas in the St. Lawrence, he has the same right to have an official explain the federal policy to him in French as the mayor of Salmon Arm, British Columbia, with similar concerns.

Senator Nolin: If I have understood you correctly, your purpose is not to promote bilingualism, but to promote access and recognition of the equality of both official languages.

Mr. Fraser: English Canadians cannot have access to the French fact if they have not had the opportunity to learn French. In a way, a certain level of bilingualism is necessary to take advantage of language rights. In his 1962 speech announcing the idea of a royal commission, Mr. Pearson talked about the importance of giving all Canadians the opportunity to learn both languages.

In his September 1967 speech to the Bar, Mr. Trudeau, who was then Minister of Justice, talked about two fundamental language rights: the right to learn a language and the right to use it. I think that if we draw a straight line from those two speeches, those two statements, if we talk about the role of the Official Languages Act and language policy as an approach based on the importance of communication between language communities, we can avoid some of the lack of understanding that exists on both sides of the Ottawa River.

Senator Tardif: Hello, Mr. Fraser. I was thrilled to hear of your nomination. I know you are very familiar with official language minority communities and with the issues of linguistic duality and cultural diversity.

• (1500)

I have also had the privilege of reading your latest book, *Sorry, I Don't Speak French*. I strongly recommend it to all senators.

As you know, the federal government plays a very important role in promoting linguistic duality within Canadian society, through the Official Languages Act, for instance. Although it is a federal act, Ottawa has traditionally tried to encourage the provinces to promote linguistic duality and support their respective official language minority communities.

Yet certain provinces, despite significant funding, still resist the notion of linguistic duality as a fundamental Canadian value.

Mr. Fraser: I would like to know how, as commissioner, you intend to encourage the reluctant provinces to support their official language minority communities and what measures might you take to encourage the provinces to accept that our official languages constitute an important advantage and asset for Canada?

Mr. Fraser: I feel somewhat self-conscious about answering your questions, since I am very aware of the work you have done in this field. Having had the opportunity, thanks to my book, to speak on phone-in programs and at conferences, one thing caught my attention: I did not really sense the visceral opposition to linguistic duality that seemed to prevail 10, 20 or 30 years ago. This was even confirmed by a recent survey for the Commissioner of Official Languages.

However, I feel that the governments are behind, compared to public opinion. I believe that, in addition to a persuasive role, the commissioner is also responsible for ensuring that governments understand that their reluctance, which was understandable 30 or 40 years ago, no longer corresponds to the concerns of their citizens today. For example, people in British Columbia and

Alberta continue to show a sustained interest in immersion schools. In Vancouver, the Chinese community submitted a special request to the French embassy to have an Alliance française office opened in a Chinese community centre. Support from the grassroots has already been established, I believe.

Sometimes, the reluctance of governments is caused by erroneous information. What I hope to be able to do is take this message to the government and to institutions such as the universities and the NGOs, as well as the various institutions of civil society.

The Chairman: Honourable senators, I must remind you that we are bound by the resolution and the motion that this session must end at 3:50 p.m. Thus, to give every senator the opportunity to speak, I ask you to be mindful of the time.

Senator Joyal: Welcome Mr. Fraser. When we met in 1976, upon your arrival in Montreal as a correspondent for *Maclean's* magazine, it was at the height of the language crisis, as you will recall. It was at the time Quebecers remember as the battle of "les gens de l'air".

The decisions of the Quebec Superior Court, particularly those of the late Justice Deschênes, with which many in this chamber are familiar, made it possible to amend the act, for which you are responsible, and to give you a role and the authority to appear before the courts and also to make binding decisions. This decision of the Superior Court of Quebec profoundly changed the Official Languages Act and gave it — as we said at the time — the teeth it was missing.

Today, we face a somewhat similar situation. The government has just announced that the Court Challenges Program of Canada — based on sections 16 to 23, 93 and 133 of the Canadian Constitution — is abolished. As you undoubtedly know, this is not the first time that a government has abolished this program. It was abolished in February 1992 and your predecessor and friend, Commissioner Goldbloom, facing a situation similar to what you are experiencing today, thought it advisable to order an evaluation of the Court Challenges Program. He asked Mr. Richard Gorham to evaluate what the program had accomplished since its inception in terms of the clarification of and respect for language rights and to show what effect its abolition could have on these rights.

Mr. Gorham released a report in August 1992, which led to a more detailed evaluation of the application of the program. The program was subsequently amended. Today, unfortunately, the program has been abolished. This concerns many senators in this chamber, regardless of their political stripe, because in the past 30 years or so, we have all seen Canadian court decisions that have rectified discriminatory situations that had existed for more than 100 years in some cases and have helped re-establish the linguistic equality and mutual respect you alluded to when you referred to the Laurendeau-Dunton commission in your opening remarks.

Would you be willing to follow the example of your predecessor, Dr. Goldbloom, and commission an impact or assessment study of what the program has done since 1994, so that we would be better able to determine what adjustments

should be made to the program, in particular with respect to official languages?

Mr. Fraser: Certainly, I am coming in with all sorts of questions about just what impact this decision could have on the new act. One way in which the situation today differs from the situation in 1992 is that the act has in fact been amended. There is therefore a specific need to look carefully at the impact the government's decisions could have on the new act.

Thank you for mentioning Mr. Gorham's report. I was not aware of the report, and I will look into it. I will do everything possible to understand the impact of any government decision as best I can.

In the spring, the minister, Josée Verner, confirmed that her government would support the new act. She pointed out that Bill S-3 had been adopted with her party's support. That impressed me. I want to look at how the minister's position can be reconciled with the government's decisions.

• (1510)

I am not coming in here with answers, and I do not want to say anything that could undermine future decisions or decisions I might have to make if I become commissioner. But I would like to thank you for bringing the report to my attention.

[English]

The Chairman: Next on my list is Senator Di Nino, followed by Senators Poulin and Herveux-Payette.

Senator Di Nino: Mr. Commissioner, or Mr. Commissioner-to-be, welcome. I extend my best wishes as well.

I should like to go back to a comment that you made reminding us that the Official Languages Act is there to protect the rights of unilingual Canadians and not to force Canadians to learn a second language. That is a very good message to leave, not only with us but also generally. I agree that I think there is a misconception that the Official Languages Act is there to force English-speaking Canadians in particular to learn French.

Before I get to my question, I would like to suggest that, in my opinion, when we talk about the kinds of initiatives or programs such as the Court Challenges Program, it creates an impression which deals with opponents — that is, one on one side and one on the other. The Official Languages Act has helped to evolve our country into a bilingual country to a degree such that, perhaps, that should be revisited. I wish to make that comment about my good friend Senator Joyal's comments.

My question to the commissioner is this: How do you see your role vis-à-vis the responsibility that you have in promoting the value and the benefit of having a bilingual country, particularly when you take a look around the rest of the developed world? When I travel, I am always amazed that anyone who has attended even high school — and certainly this is true of university — speaks not just two languages but three languages, resulting in incredible enrichment of their lives and of the cultures of those countries, not to speak of the economic value associated with that. I would like you to talk to us a bit about that, if you would, please.

Mr. Fraser: My strong feeling is that learning the other official language, whether it is for a francophone to learn English or for an anglophone to learn French, is a stepping stone towards the rest of the world. Sometimes there has been a tendency to say, "We really should not be learning French. We should be learning Chinese, or we should be learning Spanish," or whatever. I have not seen any specific figures on this — this is purely an anecdotal comment — but there are now thousands of young Canadians working around the world, involved in NGOs and doing everything from solar projects in south India to literacy projects, to working in Latin America. Anecdotal, what has struck me is that a high proportion of those students came through immersion French. They learned French first, and then went on to learn Hindi, Arabic, Spanish and German. Whatever the criticisms that may have been launched occasionally at the quality of French spoken by graduates of immersion programs, I keep noticing how many of those immersion graduates, having learned French, have moved on to learn other languages and to work in other parts of the world.

The idea that somehow learning another language is a restrictive process is totally contrary to the reality as I understand it. It is a process that makes one more sensitive to how other people respond to the world. Also, learning a third language is much easier than learning a second language. The brain is not a little black box that fills up and, if you have filled it up with French, you cannot move on to learn another language. On the contrary; it is a muscle. The more it is exercised in the parts of the brain that learn language, the easier it is to learn the codes, the habits, the cultural reflexes that are involved in learning other languages.

An official language policy that is understood and absorbed by young Canadians, whether they are French-speaking or English-speaking, is a critical step to reaching out to the rest of the world.

[Translation]

Senator Poulin: I am looking forward to addressing you as Mr. Commissioner. Your opening presentation was very interesting, especially the part about the difference between the various roles of the commissioner. Some of those role you described as that of a cheerleader, and others as that of a nagger.

I particularly appreciated you acknowledging the lengthy commitment of our former colleague, the Honourable Jean-Robert Gauthier, who, incidentally, is in the south gallery.

This morning, Jean-Robert Gauthier announced in *Le Droit* his intention to file a complaint with the Commissioner of Official Languages following the decision by the Conservative government to cancel the Court Challenges Program.

Could you remind us what the process to be followed is and what judicial value the decision made by the commissioner's office in response to such a complaint has?

Mr. Fraser: That is a very good question. I am going to have to give you a version of my answer to previous questions. I am not the commissioner yet. I would certainly not want to compromise any decision I might make or to explain an existing process, the works of which I am not familiar with yet. The Act is very clear. The commissioner has judicial authority, the power to act, the

responsibility of an ombudsman. I expect to exercise these powers with discretion and to fully discharge these responsibilities. I would not want, however, to comment on exactly what process will be followed or what aspects of the Act will be involved in that process.

I am sorry. You are providing me with questions to ask once I get the job, if I get it.

Senator Hervieux-Payette: Mr. Fraser, I think that my question fits somewhere in between the two roles you described earlier as that of a cheerleader or a nagger and that it might provide food for thought during the time before you start the job.

You are probably aware of the European Union's Erasmus program, in which participating students must master more than one language to obtain a degree allowing them to practice a profession. I do not want to criticize the parliamentarians who devised our bilingualism policies 30 years ago, but if it had been decided at the time that all university graduates had to speak both official languages, I doubt that we would have had referendums in Quebec.

Since the provincial education departments are expecting big cheques from the federal government, perhaps you could suggest to the governments that they begin to think about tying university funding to something like the Erasmus program.

• (1520)

We would then know that those who are getting a master's or doctoral degree can use both official languages. I would like to get your take on this. That would be a good foundation for national unity, on the one hand, and for Canada's productivity, on the other hand.

Mr. Fraser: I am a great supporter of the Erasmus program. In my book, I stressed the importance of that program and the investment made by European countries to ensure that this initiative is successful.

One of the problems that I identified, and I mentioned it in my book — if I may, I will only refer to what I have already written — is that in the early 1970s the federal government set up a program for public servants, thinking this would be a temporary measure, because the younger generation that was to follow would be more bilingual. However, at the same time, anglophone universities in Canada dropped the admission prerequisite of a second language. So, instead of being more bilingual, students are less bilingual and the federal government continues to have and to need to train senior public servants at an age when it is increasingly difficult to learn a second language. I wrote in my book that, in order to break this vicious circle, we must target the youth, and I did stress the importance of the Erasmus program.

There are paradoxes in the current system. It is very easy for teachers in English Canada to get involved in exchange programs with Australia. They can go teach in Australia for a year or two on a direct exchange. They can live in an Australian teacher's house and vice versa. They do not lose anything in terms of pension and seniority in the education system here. Teachers in Quebec can easily arrange exchanges with France. There are all sorts of exchange programs in place. Unfortunately, it is very

difficult, if not impossible, to arrange an exchange between teachers in Quebec and teachers in English Canada. There are all sorts of institutional, provincial and union barriers in place. I find that unfortunate.

As I said in my book, there are all sorts of ways to achieve a better understanding of Canadian languages, French and English, through exchanges and programs that imitate the situation in Europe, which is quite different. I myself am the product of a summer program that gave me the opportunity to learn French. I am very aware of the importance of this kind of program.

Senator Angus: I would like to join my colleagues in warmly welcoming you to the Senate. Like my colleague, Senator Fraser, I am an English-speaking Quebecer.

[English]

Therefore we have a constitutional duty to represent that special minority in Quebec called the English-speaking Quebecer, so I will ask my questions in that language, if I may.

Obviously this area is a very complex one and I, for one, applaud the great steps that have been taken in the last 35 years to not only protect special groups in the country but to increase the use of these two official languages in such a good way.

I also read the reports of the language commissioners as they come out from time to time, and I particularly read the last one of Dr. Dyane Adam, who will become your predecessor if all goes well. Did you have a chance to see that report?

Mr. Fraser: I have read a number of reports. I am not sure which report you are thinking of, in particular.

Senator Angus: This came out about a month ago. It was her last report, probably, and it had a lot of comments about Air Canada. Originally, there was a federal statute enacted that enabled Air Canada to go public on certain conditions, with which it complied and so forth. At that time there were no other major airlines flying in and out of Quebec and the issue was not so great. However, now there are other airlines flying nationally that are not subject to these requirements.

The language commissioner was very harsh with Air Canada, to the point that the government is now being urged by the Bloc Québécois and others to bring in a bill that nearly came in during the last Parliament, Bill C-47, which would again direct some measures to the new holding company of Air Canada — ACE Aviation Holdings Inc.

I wondered what your view was. Do you feel that there should be a level playing field? When you are forcing a business to comply with elements of the Official Languages Act, at great expense, it seems anomalous to me, at least, that it is not done in an even-handed way. What are your views on the matter?

Mr. Fraser: I thank the honourable senator for his question. As I understand it, the privatization of Air Canada took place on the basis of a contract, with legislation being passed in which the company managed to derive enormous benefits from the use of the name "Air Canada," from the resources that had been paid for by Canadian taxpayers, from the infrastructure that had been

created, and with these benefits that were being conferred through this privatization process there were a series of legal obligations that Air Canada had undertaken.

You are a lawyer, sir, and I am not, but we have seen a number of cases in the past in which parties that are signatories to a legal agreement had found that the conditions had changed, and they felt that somehow it was only common justice that because conditions had changed the terms of the contract should be changed. If you were to look at the arrangement that was made between Quebec and Newfoundland over hydroelectric power, you would find an example where one party feels that a deal is a deal, and the other party feels that actually the nature of the changes of price are such that the deal should be changed. I am not sure that a contractual obligation is necessarily altered because there are new competitors in the marketplace, or because the price of gas has gone up.

The case of Air Canada is now before the courts so I do not want to say anything that would prejudice either the role that the commission has played or any decision that the government might take at this point. I have not had any legal advice on it, but my starting bias is that when a company undertakes a certain amount of contractual obligation, those obligations remain binding. They can be changed if the other party to the legal agreement agrees on those changes.

• (1530)

However, obviously all kinds of considerations have to be viewed as to what Air Canada obtained in the process of becoming a private company and the obligations that were undertaken.

[Translation]

Senator Jaffer: Welcome, Mr. Fraser. I would like to congratulate you on your nomination as Commissioner of Official Languages for Canada. This nomination represents an important step in the path of all Canadians toward bilingualism, that is, knowledge of both official languages of Canada, French and English. I am very curious to learn your point of view regarding the promotion of bilingualism among allophones outside of Quebec.

Mr. Fraser: Thank you very much for your question. This question is becoming increasingly important, given the changing demographics we are seeing in cities across Canada.

One of the challenges facing la Francophonie outside Quebec is this obligation to transform itself into a host society. It can be difficult for minority communities that have sometimes been on the defensive, that have built their own institutions in the areas of religion, language and ethnicity, and that tend to see these institutions as something that belongs to them.

If official language minority communities continue to grow, there is an obligation to open the doors to immigrants from all over the world who are just as entitled to be recognized as francophones as other Canadians. I believe that one of the key issues is precisely the rapport, which I feel is crucial, that exists between linguistic duality and cultural diversity. Rather than being two opposite aspects, I see them as closely linked and feel they share an important, dynamic relationship.

[Mr. Fraser]

[English]

Senator Grafstein: I welcome you, Mr. Fraser, to the Senate. We have followed your articles on politics with great interest. They have been cogent, sound, sometimes controversial and always interesting. You have had interesting things to say about the Senate over the years, and many of us remember those words very carefully. I will not regurgitate them, but I would remind you that now you are about to become an officer of Parliament, which includes both the House and the Senate.

Having said that, I would like to talk about Parliament's role. We have asked you about your role as an officer of Parliament, but I would like to talk to you about your impressions and observations over the years about whether Parliament, as the paramount body of oversight on official languages, has been doing its job. As you know, the structure of Parliament is very diffuse. Our attention-span is limited. We move from subject to subject to subject. Sometimes the reports of your predecessors have been tabled in this place and the other place without any debate or comment. What are your impressions, based on your observations, as to whether both Houses of Parliament have done their job in their paramount responsibility as an oversight for the Official Languages Act?

Mr. Fraser: I appreciate the question. Actually, in a variety of ways, and sometimes in ways that are not entirely recognized, the role of parliamentarians has been paramount in advancing the cause of official languages in Canada. I believe that one of the key factors that has periodically provided impetus to the advancement of official languages over the last 40 or even 50 years has been the periodic arrival in the other place of francophone unilingual members of Parliament.

If you look back at the stage where Parliament decided that they needed to move, where the government decided that there needed to be changes to the Official Languages Act, it has been because of the presence of significant numbers of members who felt that they were not served in the official language of their choice.

One of the key moments was in 1962 with the arrival of several dozen *Créditiste* members from Quebec, who were from a different social class than had traditionally been represented in Parliament before, who did not speak English and who suddenly found themselves in what was for them a very foreign and not particularly hospitable linguistic environment. At intervals since then, this has happened with new waves of elections producing groups of people who have arrived and said, "I do not feel served here by this institution." That is on the "push side," if you like. On the "pull side," a number of reports by the joint committee, when the joint committee functioned, by the Senate committee and by the House committee have played an important role in forcing the government to respond to certain questions about the actual application of the law.

I have come gradually to understand that one of the key roles that some of my predecessors have played has been in establishing positive relations with individual parliamentarians, which has enabled both the commissioner to better understand the concerns of parliamentarians and has enabled the parliamentarians to consider issues from a different angle. I would hope that if I am

confirmed as commissioner that I would be able to have strong personal relationships with people in both Houses of Parliament and in all parties.

There is a striking degree of consensus among all parties and in both Houses about the goals and objectives of language policy. Obviously, there are partisan differences about whether the government of the day is living up to the requirements of the act and which programs should or should not be strengthened or improved. However, if you compare the situation now with the mood that existed in previous decades, there is a much greater consensus now about the importance of making this policy work.

The Chairman: I must remind honourable senators that we have less than 15 minutes left, and I still have many senators left on my list. I have doubts that we will be able to complete the list.

[Translation]

Senator Gill: Good luck, Mr. Fraser. You know that there is another reality in this country: the First Nations and Inuit. As a general rule, people in these communities still speak their mother tongue. They do have a second language, however. Most First Nations and Inuit speak English as their second language, and a small proportion of the other First Nations speak French in Quebec. How do you see the Official Languages Act applying in these cases?

Mr. Fraser: As far as I know, the vitality of Aboriginal languages does not come under the jurisdiction of the Commissioner of Official Languages. I may be mistaken.

• (1540)

The survival of Aboriginal languages is an issue that interests me, but I do not think it comes under the commissioner's jurisdiction.

Senator Gill: We might need your help on that.

Mr. Fraser: Regarding the use of English and French, every Canadian, regardless of mother tongue, is entitled to use the official language of his or her choice. There is no guarantee that the federal government will be able to respond in a language other than an official language. However, I do not see that the fact that Aboriginal communities have chosen, perhaps involuntarily, to speak one of the two official languages, English or French, should make any difference.

Senator Prud'Homme: I am probably the only person in this chamber who had the pleasure of knowing your father, Blair Fraser, and I can see that his son is worthy of the Fraser name.

First, I would like to take this opportunity to thank Dyane Adam for her excellent service. I would also like to recognize Senator Jean-Robert Gauthier's contribution and thank Senator Chaput for her work as Chair of the Standing Senate Committee on Official Languages.

Throughout my 43 years as a member of Parliament and senator, and my six years as a student at the University of Ottawa, I have followed the progress of bilingualism. However, I am still not satisfied with the progress being made in the national capital.

It is fine to talk about bilingualism in Chicoutimi, in British Columbia's Okanagan Valley, in the ridings of Senator Austin and others who can only speak English. What I have always found disturbing, and still do, is the lack of bilingualism just steps away from these precincts.

I am always telling people to visit their capital, but they go back home with somewhat mixed feelings — so much so that it would probably be better not to invite them too often. I will let you reflect on this and see what could be done.

You have a very good reputation among your fellow journalists. Perhaps something could be done on that front as well.

I notice that our great francophone colleagues are almost all perfectly bilingual. However, the same cannot be said about our anglophone colleagues. These major figures, whom I will not name out of respect but whom we can see on the national and private television networks every evening, show a total lack of understanding. I fail to see how they can possibly express views at the national level on Quebec issues, on matters that are disturbing and upsetting to us, when they do not even speak a word of French. As soon as they learn the word "merci", they are considered to be perfectly bilingual and they become candidate A, B, C or D.

I find that quite disturbing and annoying. I know that some progress has been made, therefore I am not too discouraged. That was my first point.

Let us now deal with my second and third points. In the quote that Jean-Robert Gauthier was kind enough to send to us, a Supreme Court justice says that it is pointless to grant rights if we do not have the means to uphold them.

I can assure you that, as long as the Senate and the committee continue to exist, you, personally, can anticipate the outcome of your appointment, unlike some others who came before you. We wish you good luck.

I will not make you answer my third question. I know that you are an intelligent man. You know quite well what you will have to do. It is not necessary to elaborate. At all times, the Senate is the protector of minorities. The term minority is not restricted to the French or the English. The term may apply to any situation where a minority exists. You have touched on the fundamental aspect of the question and I would like you to explain it again.

As the Honourable Senator Di Nino stated, bilingualism does not mean self-denial for Canadians. This principle was very much misunderstood during the 1970s.

Mr. Fraser: I share your concerns about the linguistic fabric of the national capital. I even devoted a chapter of my book to the subject. I feel that it is a very important issue and that it has also been misunderstood. I plan on taking it seriously. I appreciate the fact that you are reminding me of its importance.

On the issue of the press, I also share your concerns. Allow me to make an observation and a statement.

Sometimes there is a tendency to believe that a former journalist will have more of an influence on journalists than someone who has not practiced that profession. I believe that the contrary holds true. Appointing a former journalist as commissioner will not necessarily attract the attention of journalists any more than if an individual who practices another profession were appointed.

You mentioned television. The president of CBC/Radio-Canada made an interesting decision about having the Ottawa offices operate in both official languages. All CBC/Radio-Canada networks, both television and radio, French and English, work together in the same newsroom.

There is now a schedule for ensuring that all journalists in Ottawa, on the national scene, can understand and express themselves in both official languages.

CBC/Radio-Canada is aware of the problem you have identified and has taken steps to try to rectify the situation.

Senator Munson: Mr. Fraser, first I would like to congratulate you on your appointment. I am very happy for you. You are a good guy.

[English]

In my view, you are just another journalistic success story. Contrary to what Senator Prud'homme has said, I too knew the legendary Blair Fraser. I met him when I was 12, in 1958, in Campbellton, New Brunswick where he spoke and made a tremendous impression. I am sure your dad would be very proud that you have moved on and can take the journalistic background and carry it on and serve your country.

In your speech, you talked about 300,000 new Canadians who come here every year. You talked about approaching that issue in a new and innovative way — and you are giving some hints about dealing with new Canadians and the linguistic duality. Can you give us an idea of where you plan to go with this?

Mr. Fraser: Thank you, senator. There is an expression in French, which I think applies to both your situation and mine.

In other words, "Journalism leads to everything, provided you leave it."

I hesitate to embark on being too specific about what strategies I am considering or what plans I have in mind. I have been spending some time to try to formulate precisely how I might deal with these issues.

The one thing that does strike me, however, is that there is a tendency on the part of the English-speaking majority to look at language requirements as an unfair barrier to immigrants. I think there is a danger that this can be used as an excuse for the reluctance of the English-speaking majority to come to terms with language policies.

• (1550)

There have been studies done on the public service as to whether language requirements were more of a barrier for people who had come from other countries. They discovered that it was not a greater barrier for those who had come from other countries

and were learning French as a third language. My own view is that it is actually easier to learn a third language than it is a second language.

The other thing that strikes me is that we have seen the emergence — and there are certainly parliamentarians in both Houses who are a testament to this — of people who have come to this country and have said, “I will join one linguistic community and I want to master the language of the other linguistic community.” I think it is that reflex that led the Chinese community in Vancouver to make a specific demand to the French ambassador that the Alliance Française operation be located in a Chinese community centre in Vancouver.

One thing about the immigrant experience is that there is a desire to succeed; there is a desire to understand the nature of the country as a whole. This reflex is something that should be understood by the linguistic majorities in both English-speaking and French-speaking Canada.

[Translation]

The Chairman: The last senator I will recognize is Senator Lapointe, for a very short question followed by a very short answer.

Senator Lapointe: Mr. Fraser, I have been looking at your feet throughout this session, and you must be a good dancer.

I was amazed when I heard your name earlier, Mr. Fraser. We have a wonderful senator here by the name of Fraser, and when I lived in Quebec City several years ago, my home was near Fraser Street. I conclude that it was named after a francophone who left and pronounced his name the English way, Fraser, because he was headed for western Canada.

There you have it. I had something else to say, but I do not have time. It does not matter.

I was on the Standing Senate Committee on Official Languages with the big guns at the time: Jean-Robert Gauthier, Senator Beaudoin and Senator Comeau. After we had worked for six months on an issue, Ms. Adam tabled our report and the minister dismissed it out of hand. The next day, I was on the library committee.

The Chairman: Thank you very much. Mr. Fraser, the senators thank you for making yourself available.

[English]

I thank you very much for having been a witness.

Mr. Fraser: Thank you very much.

The Chairman: Honourable senators, the time is now 3:50 p.m. Pursuant to the order of the Senate, the committee is required to adjourn now. Is it agreed, honourable senators, that the committee rise and that I report that we have concluded our deliberations?

Hon. Senators: Agreed.

The sitting was resumed.

REPORT OF THE COMMITTEE OF THE WHOLE

Hon. Rose-Marie Losier-Cool: Honourable senators, the Committee of the Whole, which received Mr. Graham Fraser, has asked me to report that the committee has concluded its deliberations.

BUSINESS OF THE SENATE

Hon. Joan Fraser (Deputy Leader of the Opposition): Just before we adjourned to go into Committee of the Whole, Your Honour made a ruling that Senator Tkachuk had not raised a point of order, but I would like to make a quick comment on what he said. I would like to explain that there were several of us yesterday who thought we heard the remarks in question; that is, it was not just one senator, there were several of us who thought that that was what we heard. However, Senator Tkachuk's microphone was not on at the time and I am pleased to have heard his explanation that what we thought we heard did not reflect either his words or, more important, his intentions. I wanted to put that on the record.

Hon. David Tkachuk: I do not understand this. First, there is nothing in the blues. I never said anything. You can hear what you want to hear. I have not heard what I said. You cannot continue to make aspersions like this unless I actually did say something, which I did not. I tried to explain what happened as clearly as I could. The honourable senator does not have to make comments that again raise doubts that something was said when, in fact, nothing was said.

The Hon. the Speaker: Honourable senators, as far as the chair is concerned, the honourable senators have expressed themselves on the matter. There is a disagreement. It is on the record. There is no point of order.

[Translation]

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I move that all remaining items stand in their place on the Order Paper until the next sitting.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Senate adjourned until Thursday, October 5, 2006, at 1:30 p.m.

APPENDIX

NATIONAL SECURITY AND DEFENCE

RESPONSE TO REQUEST FOR INFORMATION TABLED

(Pursuant to rule 24(3), response to questions raised by Senator Tkachuk on June 27 and October 3, 2006)

October 3, 2006

The Honourable David Tkachuk, Senator
Senate of Canada
Room 401, Victoria Building
Ottawa, Ontario
K1A 0A4

I am writing to respond to the questions that you posed during the deliberations in late June in the Senate with respect to Committee budget submissions.

You asked for details regarding the hiring of consultants to assist the committee and also for information regarding the selection of senators to participate at conferences.

First of all, I would like to underline that the Senate Committee on National Security and Defence tries, as much as possible, to operate by consensus. The work plan including lists of witnesses and other matters are discussed by the Committee during its in camera meetings before and after the public hearings. In addition, following each meeting, I send a letter summarizing the main points to all Committee members so that Senators who are absent can keep abreast of the work of the Committee.

With respect to the consultants, our Committee follows the same procedures as other committees regarding the hiring and directing of staff. At the organization meeting held on April 25, 2006, the Committee adopted the following motions:

That the Subcommittee on Agenda and procedure be authorized to retain the services of such experts as may be required by the work of the Committee; and

That the Chair, on behalf of the Committee, direct research staff in the preparation of studies, analyses, summaries and draft reports;

I would like to underline that the Committee staff is available to work with all members of the Committee. Various senators have requested individual briefings and the staff have responded to those requests. As the Chair of the Committee, however, it is my responsibility to direct the work of the staff on a daily basis. To the best of my knowledge, no member of the Committee has felt short-changed with respect to the assistance provided by the staff.

With respect to the question about the selection of senators to participate at various conferences, I would again mention that the committee operates by consensus.

The Committee receives on a regular basis from the Parliamentary Research Branch, a list of conferences that might be useful to the Committee in its work. All senators are canvassed for each conference and the selections are made according to those available or willing to go. Either the full Committee or the Chair and Deputy Chair were in agreement on each conference and who would attend. For most conferences there was just one participant for economy reasons. In cases where more than one person attended a conference, it is the practice, as is the Senate custom, to allocate conferences on a proportional basis to give all members equal opportunity. In any event, this was moot because frequently after canvassing every member of the Committee, no one was available to go.

You asked for a list of conferences attended by members of the Committee over the past five years. A list is attached.

I trust that this letter covers the points raised on June 27, 2006. Should you wish to discuss this matter further, please contact me.

Senate Committee on National Security and Defence

Conference Attendance
2001-2006

2005-2006	Senator Kenny, Defence Advanced Research Projects Agency, DARPA Tech 2005, Anaheim, California, August 2005
	Senator Kenny, Royal United Services Institute, "Transformation of Military Operations", London, United Kingdom, July 2005
	Senator Kenny, Pacific Symposium 2005 — "Asia-Pacific Democracies Advancing Prosperity and Security", Honolulu, Hawaii, June 2005
	Senator Day, Senator Meighen — 60th anniversary of the Liberation, The Netherlands, May 2005

2004-2005	Senator Day, Senator Banks, Barry Denofsky, "Strategies for Public Safety and Counter-Terrorism", San Francisco, California, March 2005
	MGen Keith McDonald, Chatham House Conference on Protecting Critical Network — Private solutions to public problems", London, United Kingdom, March 2005
	Senator Day, Senator Meighen, 60th Anniversary of D-Day, France, June 2004

2003-2004	Senator Jane Cordy, MGen (ret) Keith McDonald Canadian Association for Security and Intelligence Studies (CASIS) Annual Conference, October 16-19, 2003, Vancouver, B.C.
	Senator Forrestall, MGen (ret'd) Keith McDonald Seapower Conference 2003, Halifax June 2003
	Senator Day, Senator Meighen — Juno Beach Centre Opening (France) and Burials in Passchendale (Belgium) June 2003
	Senator Kenny, Royal United Services Institute Conference, London, United Kingdom

2002-2003	Senator Forrestall, Senator Day, Seapower Conference 2002, Halifax, June 2002
	Senator Forrestall, Grant Purves, Canadian Centre of Intelligence and Security Studies (CCISS) Annual Meeting, Ottawa, June 2003

2001-2002	Senator Kenny — The Oslo Symposium — Building a Vision: NATO's Future Transformation, Oslo, Norway, Sept 2001
	Senators Day and LaPierre, General (ret'd) MacDonald "CBW Terrorism: Forging A Response" Wilton Park, United Kingdom, March 2002
	Senator Wiebe, "Bridging the Gap: Reserve Forces and their Role in Civil Society", Calgary, March 2002
	Senators Kenny, Day, Forrestall and Wiebe Ottawa, Conference of Defence Associations Annual Meeting, Ottawa, February 2002

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(HANSARD)

Thursday, October 5, 2006

—

THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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THE SENATE

Thursday, October 5, 2006

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

TRIBUTES

THE HONOURABLE MICHAEL KIRBY

The Hon. the Speaker: Honourable senators, I received a notice earlier today from the Leader of the Opposition who requests that, pursuant to rule 22(10), the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Senator Kirby, who is resigning from the Senate on October 31, 2006.

I remind senators that, pursuant to our rules, each senator will be allowed only three minutes and may speak only once. The time for tributes shall not exceed 15 minutes. However, these 15 minutes do not include the time allotted to the response of the senator to whom the tribute is made.

I would like to call upon Senator Kirby, who wishes to make a statement.

Hon. Michael Kirby: Honourable senators, I was informed by the table that I am required to inform the chamber that I have notified the Governor General that I will be resigning my seat on October 31, 2006.

[Translation]

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, it is my privilege to pay tribute to a friend and colleague, the Honourable Michael Kirby, who will be retiring from the Senate within the next few days, which is much earlier than required under the Constitution.

[English]

All of us who remember April 19, 1982, the day Queen Elizabeth proclaimed Canada's new Constitution, will know that Senator Kirby was not only standing beside Her Majesty as she signed the document, but also that, together with our colleague Senator Pitfield, then Clerk of the Privy Council, he had played a major role in the process that led to its patriation. As Secretary to the Cabinet for federal-provincial relations and Deputy Clerk of the Privy Council, Senator Kirby had been one of the creative contributors to Prime Minister Trudeau's successful constitutional strategy and, as such, he was a leading participant in one of the most important constitutional developments in our nation's history.

Yet, as significant as that event was, it was only one of the many milestones marking Senator Kirby's remarkable career. Appointed to the Senate in 1984 at the very young age of 42,

Senator Kirby had had an outstanding career as a mathematician, academic, university administrator and chief of staff to a provincial premier before he came to Ottawa as Deputy Principal Secretary to Prime Minister Trudeau in 1974.

Described as creative, imaginative, a political mastermind and one of the hardest working parliamentarians, Senator Kirby leaves an indelible mark on the Senate, most notably as chair of the Banking and Social Affairs committees. His contribution to developing policies on corporate governance, foreign banks, government aid to industry, and especially health care, will remain among the finest work done by our institution.

[Translation]

Senator Kirby has made an exceptional contribution to the public life of our country and the business of our chamber. His early retirement is a great loss for our institution.

[English]

It has been a privilege to serve with him in the Senate. We wish him and his family much happiness and continued success in his endeavours.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, today we bid farewell to one of our colleagues, Senator Michael Kirby. Perhaps many of us were surprised this past summer when Senator Kirby made known his intention to leave the Senate this month. It is unusual, but not without precedent, that one of our colleagues chooses to take leave of this chamber well before their official retirement date. However, time and again, as Senator Hays just noted, Senator Kirby has proven himself to be a person who knows his own mind and does things in his own unique way.

On a personal level, Senator Kirby and I always got along very well because we understood where each other came from. We had both worked in the Prime Minister's Office and we knew that most of the time our jobs there were to put out fires. We had a great understanding of each other in many areas.

All honourable senators are well aware of Michael Kirby's long and varied career, most particularly his work as an adviser to former Prime Minister Trudeau and as chief of staff to former Nova Scotia premier Gerald Regan. Long before he came to this chamber, his work on public policy was extremely well known.

• (1340)

However, Canadians are lately most familiar with Senator Kirby's work as the chairman of the Standing Senate Committee on Social Affairs, Science and Technology. It was my great honour to serve as deputy chair of the committee during its comprehensive study of the federal role in our health care system. I firmly believe the committee's 2002 report — it is hard to believe that it has now been four years — and its recommendations have stood the test of time. I know Senator Kirby shares this belief as well. During our study, the honourable senator led our committee

through a thorough and honest appraisal of the system as a whole and he was personally unafraid to challenge the conventional wisdom and the myths that surround the health care system in Canada.

The recent study on mental health, mental illness and addiction from the Social Affairs Committee has similarly benefited from Senator Kirby's expertise. With Senator Keon as the deputy chair, Senator Kirby and the committee members produced a report that has been enthusiastically received, especially by those who have laboured in the field of mental health for many years without the benefit of national attention. The committee will surely shine a light on this issue, as witnessed yesterday at the lunch where the members were applauded.

Although it may be too soon to judge how this report will change policies and attitudes, it has already provided many people across our country with encouragement and hope for a future where mental illness is no longer pushed aside. As I have said on many occasions, all of us on that committee — and I with my new duties was not able to participate as much — were directly touched by mental health. That is an amazing statistic, as no one actually talks about it, which tells you about the stigma attached.

Honourable senators, although he is taking leave of us this month, I have a strong suspicion that Senator Kirby's retirement will continue to find him just as busy as ever, and that we will continue to hear from him on public policy matters of importance to all Canadians.

On behalf of my fellow Conservative senators, I would like to wish Senator Kirby continued success, happiness and good health as he enters the next chapter of his life, and to Bobby and his family I wish the very best. I am sure we will be hearing a great deal of Senator Kirby in the future.

Hon. Jack Austin: Honourable senators, I rise to endorse the words of Senator Hays and Senator LeBreton with respect to the public service that Senator Kirby has given Canada over very many years.

Let me tell you a small story. Back in the early 1970s, I was Deputy Minister of Energy, Mines and Resources. One of the issues that arose at the time was that of joint administration between the federal government and the Atlantic provinces of the offshore resource potential. Life was not easy dealing with those provinces, particularly, as I have said to my colleague Senator Rompkey, dealing with Newfoundland. I asked the question: Is there a rational, analytical person I can deal with on this issue? Someone said to me, "Well, the man who is running Nova Scotia." I said, "Gerry Regan?" They said, "No, Mike Kirby." I say that because Gerry Regan has often said publicly that Mike Kirby was the effective manager of the province when he was Premier. Mike and I got along extremely well. We developed a good working relationship and made progress with respect to that issue.

When the Trudeau government was elected in 1974, Prime Minister Trudeau asked me to be Principal Secretary and I immediately spoke with Senator Pitfield to say I would like to bring Michael Kirby to Ottawa as my deputy with respect to

policy. Senator Pitfield and I put the heavy arm on Mike Kirby to come here, at a cost to Mike and to his family, but a great advantage to Canada.

Mike, you have been an outstanding colleague. I congratulate you for your public service, for your collegiality and your understanding of this institution, and its role and its potential. We have demonstrated through your work, and of course the work of others, the high quality of service which the Senate can provide to the people of Canada, and I thank you as a senator for that particular contribution, and also as a Canadian for the work you have done as outlined by Senator Hays and Senator LeBreton.

• (1345)

I wish you the very best. I know we will continue to see you in areas of public policy and other matters affecting Canada. I am sorry that the Senate will lose the next 10 years, which I anticipated would be your best 10 years. You will not give those years to the Senate, but I know you will give them to Canada.

Hon. Wilbert J. Keon: Honourable senators, I am deeply honoured to join in the tributes to Senator Kirby. He is someone whom I greatly admire for his dedication to this place and to what we try to accomplish, and for his willingness to tackle tough policy questions head on.

Senator Kirby will be retiring 10 years before his scheduled date of retirement. I would like to suggest that this is a sign of his tacit support for Bill S-4 on Senate tenure. Unfortunately, he may not be here when the bill returns to the chamber, so we will have to hear from another quarter just how he feels. Of course, he could make a statement later today.

I had the pleasure of working closely with Senator Kirby over the past six years while he chaired the Standing Senate Committee on Social Affairs, Science and Technology, and I have to tell you that this was truly a wonderful intellectual exercise and a great personal pleasure. During that time, the committee worked hard at examining the health care system of Canada. We compiled two reports: the monumental report in 2002, which has been referred to previously, and this spring the committee released its Final Report on Mental Health, Mental Illness and Addiction, the result of three years of study. That report included 118 recommendations to improve the state of this highly fragmented area of health care.

Since his appointment to the Senate in 1984, Senator Kirby has been concerned with issues other than health, of course. He chaired the Banking Committee from 1994 to 1999. Under his leadership, the committee developed new corporate governance rules for all companies incorporated under the Canada Business Corporations Act and developed a new policy governing foreign banks operating in Canada.

Prior to his time in the upper chamber, Senator Kirby served in the provincial government of Nova Scotia, where he became very well known as Chief of Staff to Premier Gerald Regan. Federally, he began working as the Assistant Principal Secretary to then Prime Minister Trudeau in 1974. He then went on to hold the role of Secretary to the Cabinet for Federal-Provincial Relations, as well becoming the senior bureaucrat responsible for constitutional

negotiations and Deputy Clerk of the Privy Council. In these capacities, he worked very closely with my former boss, Senator Michael Pitfield, who was chairman of my board at the Heart Institute for nine years.

Outside of the political sphere, Senator Kirby has held a wide range of positions in academia and in business, applying the same dogged work ethic there as he has here.

Honourable senators, Senator Kirby has never backed away from forging new ground. In choosing to leave this chamber 10 years early, he is doing it again. I want to take this opportunity to thank him on behalf of the committee, and personally, for all he has done for Canada in the last few decades. He has done his job very well, in every dimension. I also want to wish him the best on whatever challenges lie ahead for him. Frankly, if the past is anything to go by, he will not simply wait for those challenges but will reach out and grab them. I am also sure that his presence will continue to be felt in the health field, and especially in the mental health field.

Good luck, Michael. Take some time to smell the roses with Bobby and your family. You deserve it.

• (1350)

Hon. Joan Cook: Honourable senators, listening to the speakers before me confirms that the life and times of Senator Kirby are well documented. Indeed, I believe he is a public icon. However, many of you might not know that his roots spring from my home province where, in the outport community of Pouch Cove, a lane bears the family name, known locally as Kirby's Drung. It was named in honour of his grandfather for his exemplary services to the community. Likewise, in 1982, Senator Kirby chaired a task force on Atlantic fisheries which laid the groundwork for a new fisheries policy; one that continues largely intact today.

Honourable senators, in 2000, I became a member of the Standing Senate Committee on Social Affairs, Science and Technology and Senator Kirby was the chair. Under his leadership, two landmark reports were produced: *The Health of Canadians: The Federal Role*; and *Out of the Shadows at Last: Transforming Mental Health, Mental Illness and Addiction Services in Canada*. Both reports are visionary, I believe, and many of the recommendations have been implemented in current government policy.

However, I believe that the mental health report will forever be a lasting testament to the time that this man has spent in this place. Under Senator Kirby's leadership, mental illness has been legitimized in this country. The drive and zeal to spread his message caused his calendar to overflow often with speaking engagements. We committee members were recruited post-haste to fill the gaps. I might add that we went willingly. With trepidation, I would go and return with a great sense of achievement, largely in part because this person believed in me.

In closing, honourable senators, it has been said: "A good leader when his job is done, they will say of him, we did it ourselves."

[Senator Keon]

Hon. W. David Angus: Honourable senators, as we go through life we encounter from time to time special individuals who for one reason or another seem to stand out in a crowd or in a particular group. For me, Honourable Senator Michael J.L. Kirby is one of those stand-out or outstanding individuals.

When I was sworn in as senator in 1993, I did not know Michael Kirby from Adam. My only exposure to him previously was his smiling face and sharp and engaging wit every Thursday morning on *Canada AM's* political pundits panel. I am sure that he did not know me at all and yet, as soon as I took my seat in that corner of the chamber where Senator Pitfield is sitting, he came rushing over and welcomed me warmly. He said, "David, this is a wonderful place. It is great to have you here. You are going to enjoy it and I look forward to working with you."

Subsequently, for six years I had the pleasure of working with Michael closely on the Banking Committee, as his deputy chairman for half of that time. I learned much from Senator Kirby. In a sense he taught me how to be a senator. In those early days, he stressed to me that even though there is adversarial jousting and heated debate in the chamber and in committee meetings, nothing should ever be taken personally. His message to me was, "David, you should always leave the chamber or the committee room with your colleagues in a spirit of mutual respect and friendship. Politics, in a way, is a game," he said. "Do not let it get to you personally." He always made it clear, however, that it is a game he prefers to win.

From time to time Michael has demonstrated a mischievous side, as we know. Perhaps that is a bit odd given his training as a mathematics professor. One day in June 2001, his leader in the Senate, the Honourable Sharon Carstairs, said:

The other point that I think is very important is that Senator Kirby, by his own admission, was being mischievous on this particular piece of legislation...

In reply, Senator Kirby quipped:

...I simply wish to make the observation that since I am a long-time fan of musical comedy, and I particularly liked the musical *Oliver*, I have always thought that, rather than being referred to as mischievous, the "Artful Dodger" was a much better label.

Senator Kirby has demonstrated over and over again his ability to get things done and to work issues through to a satisfactory conclusion. As well, he has proven to be a man of strong principles, with viewpoints that he holds dear to his heart.

• (1355)

For example, for whatever reason — I cannot figure it out — he has never been a fan of Canada's national airline. Whenever our committee travelled, he always went out of his way to get from A to B to C on some other carrier — be it dog team or bus or taxi, or even another airline. Sometimes he arrived as much as a day later than the other committee members. I queried him about this quirk more than once. "David," he always said, "there is nothing personal. I just do not like that company and the way it is run." I respected his strong view, although in sharp disagreement with him — nothing personal, Michael.

One of Senator Kirby's real strengths is his communication ability. In my early years here, he repeated often how important it is to get our message out positively. There is no point in working hard to generate good public policy if the people affected do not get to know about it. "David," he used to tell me, "we all need to learn how to get the media to work with us, not against us."

Michael, you have had an exemplary career over your almost 23 years here. It has been a real pleasure to get to know you, to work with you and to see the fruits of the great things you have done for Canada. As you take early retirement at the tender age of 65, we wish you the very best. Good health, great happiness and lots more success. God bless you.

Hon. Lowell Murray: Honourable senators, I am sorry to see Senator Kirby go. At his best, he has been the model of a thoughtful, analytical, constructive and quite original contributor to our debates. That is at his best. This is not the day to say what he was like at his worst, nor would time permit.

In the days and weeks since he announced his intention to take early retirement from us, there have been many highly laudatory reviews of his work as a senator. These were richly deserved. They, and he, reflected well on the Senate. They, and he, may have even occasioned some sober second thought on the part of those few of our critics who are not impervious to reasoned argument. As for those of us who remain here, as we bid him farewell we bask in his reflected glory.

Of his contribution as a senator to public policy, quality stands out, the product of his academic training and his experience in government service, the product also of disciplined inquiry and research, of collegial and non-partisan deliberation in committees and of integrity in its original meaning of wholeness or completeness of approach. Economy stands out, too. The comprehensive study and report on health care was completed at a fraction of the cost of other such reports.

Finally, while the policy reports of committees under his chairmanship bear the imprint of his leadership, the ego that he invested in those exercises always struck me as tiny compared to the great significance of the work undertaken and achieved.

Michael Kirby has given us all a great deal to think about in what he has accomplished here and, just as notably, in the manner of his doing so. We know he will continue to contribute to discussion of vital national issues.

The Hon. the Speaker: Honourable senators, the clock works against us always at these times. Unfortunately, we have gone beyond our time for tributes, but it is my understanding that we might expect a motion for an inquiry to continue a little later paying tribute. At this time, we would like to call upon Senator Kirby.

Senator Kirby: I would like to begin by saying thanks to all of you who have spoken for your very kind and generous remarks. I am truly grateful for your support.

I have also come to the conclusion that everyone should be lucky enough to hear themselves eulogized and to read their own obituary in the media. Most of us do not get that opportunity.

• (1400)

I would also like to say a heartfelt thanks to many people:

First of all to you, my fellow senators, for all your collaboration and friendship over the past 23 years.

To my colleagues, both past and present, who served on committees which I had the privilege of chairing, particularly Senator Angus, Senator Tkachuk, Senator LeBreton and Senator Keon who were the deputy chairs of the committees I chaired for the past 13 years. The personal relationships we have built will last for the rest of my life.

To current and former members of my staff, many of whom are in the gallery, I know how difficult and demanding I can be, and I am delighted to say that I think all of you weathered the hurricane with good humour and good grace.

To the committee clerks and the research staffs of the two committees I chaired, I think it is important for all of us to recognize that Senate clerks and researchers play a tremendously important, but largely anonymous, role in the Senate's work. I would like to thank all of them for their hard work and dedication in serving the people of Canada. I should also add that I absolutely marvel at their ability to correctly interpret all my handwritten notes and editorial comments, many of which I am unable to interpret myself.

I also owe a very special debt of gratitude to Senators Pitfield and Austin who, as Jack pointed out a few minutes ago, were instrumental in bringing me to Ottawa to work in the federal government in 1974, and who set me on a career path that I have travelled for three decades. I am keenly aware that the course my life has taken, including serving in such diverse roles as secretary to the cabinet for federal-provincial relations during the constitutional negotiations of the 1980s, chair of the Atlantic Fisheries Task Force and being appointed to the Senate, would not have been possible without Michael and Jack. I owe them more than I can ever fully convey. A very strong thanks to both of you.

I am delighted that my family has come to Ottawa from the two ends of the country to share with me today. I have asked that they keep the heckling to a minimum, however, during my speech. They are a very tough audience and I always worry when they are in the audience. Several of them have worked in, or still work in, the federal government. I am proud that the tradition of the public service continues in my family.

I would particularly like to thank my wife, Bobby, for all her support over the years. My work as chair of a Senate committee for the past 13 years has required a great many long hours of work at home and on vacations — at least, I call them vacations — and a large amount of time on the road. Living with a workaholic who gets totally committed to a public policy study exacts a toll on our spouses and on our family life. My contribution to the Senate would not have been possible without Bobby's support. I should add, however, that my children think that her greatest challenge actually lies ahead, when I am around the house more often.

Honourable senators, throughout my public life, including my years in the Senate, I always asked myself the same question whenever I was leaving a job in the public sector. The question is this: Has my being in this job made life better for some or all Canadians? Have I truly made a difference? This is a question we should all ask ourselves regularly. We must always bear in mind, as we go about our business as senators, that it is Canadians we are here to serve, not ourselves or even our political parties. It is far too easy, in the bubble of Ottawa, to get caught up in partisanship and in what David Angus referred to correctly as the game of politics. We tend to lose sight of the real world impact that our decisions have on Canadians, and what a privilege it is to serve Canadians in their Senate and their Parliament.

A second key principle that should animate all our activities in the Senate is to constantly strive to make the Senate chamber truly a chamber of sober second thought. We must be guided largely by principle, not by short-term politics, in deciding what position we will take on policy and legislation. Our Question Period should not be the rancorous partisan affair that we see in the other place and, frankly, that contributes to the low opinion Canadians have of politicians.

Senators of the governing party should feel free to amend government legislation when appropriate and to do what they believe is right, even if it means disagreeing with their political colleagues in the other place, or even in the cabinet.

• (1405)

In short, our primary job as senators is to serve Canadians, not our parties. Our obligation is to focus on the bigger picture and not on the narrower canvas of partisan, self-interest. While these may sound like motherhood statements, I am sure we all recognize that there are times when, both individually and collectively, we failed to meet these standards.

There has been a great deal of debate about Senate reform in recent years, and indeed the Prime Minister appeared before a Senate committee a month ago on this issue. While my children think that making the Senate hereditary should be one of the options considered in this debate much of the discussion, including many of the comments by the Prime Minister, have centred on making the Senate an elected body.

As I am retiring from the Senate I no longer have any self-interest in the outcome of this debate, and therefore I would like to take this opportunity to comment on the issue. I believe the Senate has a unique role to play in the consideration and formulation of public policy. I also strongly believe that this unique role requires that the Senate continue to be a body whose members cannot be re-elected, even if the Prime Minister of the day chooses to appoint senators from a list of people who have to be elected in order to get on the list.

This is an important distinction to make. There are, in fact, two separate dimensions to the question of an elected Senate. On the one hand, we need to consider whether elections should be used to select people to become members of the upper chamber, while on the other, whether those that are selected, by whatever means, should be eligible for re-election. Our answers to these questions will shape the future dynamics and, more importantly, the future usefulness of the Senate.

[Senator Kirby]

The Senate, in my view, is able to do two things that the other place cannot. First, the Senate is able to conduct major public policy studies that are too controversial for elected parliamentarians to deal with objectively since they understandably fear repercussions at the ballot box.

Second, the Senate is better placed to defend issues of principle and to serve as a check on the legislative agenda of the government, particularly when that government has a majority. I believe that if we turn the Senate into a body whose members can stand for re-election, it will become a virtual duplication of the House of Commons and make it impossible for the Senate to perform these two roles.

In the case of major policy studies, senators would worry about getting re-elected, thus making it impossible for them to tackle the most controversial issues of the day. Senators would have difficulty setting aside partisanship and working together to seek a consensus on issues, as both the Banking and Social Affairs committees did for the 13 years I was chair.

This is not to criticize individuals in any way; it simply describes the inevitable result of restructuring the Senate around elected politics. One only need watch Question Period in the other place to see what an elected Senate would look like and how it would function. It is not a pretty sight.

I believe the ability of senators to propose controversial solutions to major policy problems and to work in a bipartisan manner is vital to the work we do here. It is a unique role that we are able to play in our parliamentary system and it enormously enriches public policy debate across this country.

At the risk of tooting my own horn and those of my fellow senators on the Standing Senate Committee on Social Affairs, Science and Technology, I believe our six years of work on health and mental health policies provide an excellent example of the role the Senate can play in furthering debate on controversial public policy issues. The committee's six-volume study on Canada's acute care system is driving the current health care agenda for the federal, provincial and territorial governments.

The issue of excessively long wait times was not on the public policy agenda until the committee made it an issue. Members of the committee followed up on their report with an unprecedented intervention in the *Chaoulli* case before the Supreme Court of Canada. The court's decision echoed the arguments the committee made both in its report and in its factum. Nor were governments talking about catastrophic drug insurance before our report was issued. Our proposed solution, which was for federal, provincial and territorial governments to join forces with private-sector insurers to implement a catastrophic drug protection plan so no Canadian would suffer financial hardship getting the drugs they need, is currently the subject of very active federal, provincial and territorial discussion.

The most controversial recommendation of our October 2002 report addressed the issue of who could deliver medically necessary health care services. We pointed out that medicare, going back to its origins, has always been a public pay health insurance program and that it never restricted who could be paid out of public funds to deliver a health care service.

• (1410)

This led the committee to recommend that a market in health services delivery be created and that public and private service providers compete to provide publicly funded services. This recommendation was strongly attacked by many Liberal and NDP politicians, and dozens of organizations and unions on the political left. However, as was stated in a recent *Globe and Mail* editorial, four years ago when the committee released its report, the idea was "heresy"; today, it is widely accepted.

I have dealt with this example in detail because it illustrates the value of the Senate in putting forward policy ideas for change. No politician who is going to run for re-election would have recommended what the committee did. Our report stimulated public debate and, as we have seen in the last four years, made subsequent health system change possible.

It is also crucial to note that the unanimity of the committee, its bipartisan approach, was also a fundamental element of its success. This group of 11 senators from different parties, from different parts of the country, from different backgrounds and different ideological perspectives worked together to achieve unanimous recommendations on very politically sensitive issues. Cross-party collegiality and commitment is extremely rare in politics, even in the Senate; yet, this cross-party consensus, in my view, was the single most important reason why, four years later, the recommendations of the Social Affairs Committee are driving the health care agenda provincially as well as federally. This unanimity stands as an enormous tribute to the members of the Social Affairs Committee, both past and present. Each of them can certainly answer yes to the question I posed at the beginning of my remarks: Every one of them has truly made a difference.

Over the years, many other Senate reports have been on the cutting edge of policy development and have helped define the debate around key issues. Those that come to mind include Senator Croll's work, 35 years old now, which laid the foundation for much of today's social safety net; Senator Lamontagne's report of the 1970s that was pivotal in increasing the federal government's role in funding research in science and technology; Senator van Roggen's 1982 study that advocated free trade long before it was politically safe for politicians to support it; and Senator Kenny's current work on security and defence takes the Senate into a highly sensitive yet critically important policy area.

I believe that an upper house comprised of senators eligible to run for re-election would not have produced any of these reports and many others that have been invaluable over the years. Fear of electoral repercussions for advocating controversial policies and excessive partisanship would doubtless have prevented them.

Moreover, the Senate, as it is currently constituted, delivers Canadians real value for money. Take the case of the Social Affairs Committee health care study I referred to a minute ago. Our three-year health care study cost approximately \$500,000. By way of comparison, the parallel study of the health care system conducted by the Romanow commission cost the taxpayers \$15 million.

The second key role the Senate plays, defending issues of principle and serving as a check on legislation of the government, is also vital. I had the good fortune to be in this place when Allan

J. MacEachen, arguably the most accomplished parliamentarian of my time, was Leader of the Opposition in the Senate. He believed strongly that principles should prevail over narrow partisanship in the Senate. As an example, the Senate has a long history of amending government legislation that tries to change law retroactively. This is a basic matter of principle — one cannot change the rules of the game after the fact. For years, the Senate has prevented governments of both parties from doing this.

Allan J. believed it was imperative that the Senate use its power to amend legislation very carefully, however. He argued, and I strongly agree, that because senators cannot be removed from office by the Canadian people, they must use their legislative power carefully, wisely and only occasionally.

• (1415)

As Senator MacEachen said in his retirement speech in this chamber, the Senate should survey the ground carefully and deliberate prudently in exercising its legislative powers. It must do so in order to ensure that it does not bring opprobrium upon itself.

Unfortunately, the debate over Senate reform and, in particular, debate about an elected Senate in which senators are eligible for re-election remains very one-sided. All we hear affirmed is a seemingly unassailable principle that to be elected is better. What is almost always ignored is that there are downsides, not only upsides, to creating a Senate in which senators are eligible for re-election. Such a Senate would not have the ability it has today to advocate policy ideas that are controversial or unpopular. It would lose its current ability to work in a bipartisan manner and to rise above political partisanship. Senators of the governing party would lose much of their ability to act independently of the government of the day. In short, a Senate comprised of senators who are eligible for re-election would lose its capacity to be a chamber of sober second thought.

It is therefore my hope that a more balanced debate about Senate reform will take place, one that acknowledges the benefits of a Senate in which senators cannot stand for re-election. We need a debate that acknowledges that you cannot get the advantages of a so-called elected Senate without getting disadvantages.

Canadians would be much better served with a debate about those advantages and disadvantages rather than one in which it appears, as it does today, to be politically incorrect to discuss any of the merits of the current Senate.

Let me make just two brief comments on two other aspects of Senate reform. First, I support limiting the number of years one can serve in the Senate. Anyone, whether in public or private life, who does the same job for a long time inevitably gets stale. I think a term on the order of 12 years is reasonable.

Second, I think any prime minister who decides to make appointments from a list of people who have been elected needs to reflect on the fact that some of the greatest Canadians to serve in this chamber would almost certainly not have been willing to seek office or to run in order to become a member of the Senate.

I think of business leaders such as Ian Sinclair, Hartland Molson and Leo Kolber; medical leaders such as Yves Morin and Willy Keon; people with outstanding careers in public service, such as Michael Pitfield and Roch Bolduc; actors and actresses such as Jean-Louis Roux and Viola Léger; constitutional lawyers such as Eugene Forsey and Carl Goldenberg. All of these people and dozens more who were national leaders in their field before being appointed to the Senate would almost certainly not have served in this chamber if they had to be elected. Canada would have been worse off as a result.

That is not to say that it is out of the question for a prime minister to insist that people run for election if they want to serve in the Senate. A prime minister can choose to select senators any way he or she wants. However, one must appreciate what is being lost in order to achieve the gain of the political legitimacy that goes with having senators who are elected.

I want to close by saying a couple of words about the committee's mental health report, *Out of the Shadows at Last*. Nothing I have done in my public life has been as emotionally demanding as my three years of work on this study. I believe that all committee members would say the same. There are two reasons for this, as Senator LeBreton pointed out. First, every member on the committee has a relative or close friend with a serious mental illness. Thus, we know firsthand how poorly society treats people living with a mental illness. I suspect that is probably also true for every member of this chamber.

Second, Canadians living with a family member with mental illness poured out their hearts to us on the committee's website and in person. They told us their deeply personal stories. These personal histories are reflected in Chapters 1 and 2 in the committee's final mental health report, *Out of the Shadows at Last*. If you have not read them, I urge you to do so. I predict you will be moved to tears. More importantly, you will understand why every one of us on the committee cares so passionately about the recommendations in our reports.

• (1420)

Allow me also to point out that our report achieved what I believe is a first for a parliamentary committee. A year ago this month, federal-provincial-territorial ministers of health announced unanimously — all 14 governments — their support for the creation of the mental health commission recommended in the committee's report. The provincial and territorial governments remain firm in their support for the creation of the commission. I am hopeful that the federal government will announce its support sometime this fall.

The creation of the commission will allow a serious challenge to be mounted to the stigma to which Canadians living with mental illness are subjected every day. It is imperative to keep mental illness from going back into the shadows again. If we as a Parliament, as a government and as a country fail to create the commission, we will have once again let down the hundreds of thousands of Canadians for whom the committee's report has truly become a beacon of hope.

In closing, I want to extend my extreme gratitude to all of my colleagues in the Senate, both past and present, with whom I have had the opportunity to serve. Being amongst you has truly been a privilege.

[Senator Kirby]

I also want to assure all of those concerned that there was some hidden motive behind my decision to retire that neither my wife nor I are seriously ill. Bobby and I look forward to many happy years of playing lousy golf together and to getting our grandchildren wired on chocolate and then sending them back to their parents.

Neither is it true, as someone suggested, that I have a plum new job to go to or a pending government appointment. I realize my actions are very strange and unusual for a politician. My reasons for leaving are exactly what I said they were in the letter I sent to everyone. Throughout my career, I have always moved on when I felt I had achieved a significant milestone in my work and that the position was, in a sense, completed. For example, I resigned as Deputy Clerk of the Privy Council and left Ottawa in 1982 shortly after the repatriation of the Constitution, an undertaking in which I am proud to have played a significant role.

I am at a similar crossroads today. I have spent the last six years, as Senator Keon pointed out, climbing the twin mountains of health care and mental health policy. The climb has been long and arduous. It required a commitment of my entire physical, intellectual and, in particular, emotional energy. As I reflected on my future after the release of the mental health report last May, I realized that while there are many challenging public policy problems to work on, none would be as emotionally engaging for me as health care and, in particular, mental health have been.

Once I realized that, making the decision to retire was easy. As a bonus, I now have the opportunity to follow the advice given to every aspiring vaudeville performer: Always leave them wanting more.

Hon. Senators: Hear, hear!

WORLD TEACHERS' DAY

Hon. Ethel Cochrane: Honourable senators, I rise today in honour of teachers from coast to coast on this World Teachers' Day. In 1994, the United Nations Educational, Scientific and Cultural Organization — UNESCO — declared today, October 5, as the day that we recognize the need and the importance for every society to have teachers.

Teachers play a vital role in our education and in our development. They motivate us to learn, and they help us to grow. They encourage us to realize our dreams and inspire us to contribute to our own communities. This year, Canada's theme for the day is: Teachers make a difference.

• (1425)

We know firsthand the important work that teachers do here at home, but honourable senators might be interested to learn that Canadian teachers are also making their mark in the global community.

For 44 years, the Canadian Teachers' Federation (CTF) has teamed Canadian teachers with teacher organization partners in developing countries. To date, almost 60 countries have benefited from direct cooperation with our Canadian teachers. They have

been involved in overseas projects that promote HIV/AIDS education, gender equality and empowerment of women, professional development and national education plans.

Let me give honourable senators an example: Betty Hearn, a junior high school teacher from my home province, recently volunteered her summer vacation to go to Kampala, Uganda through CTF. Ms. Hearn's team offered an education in-service program to teachers from all over the country. They offered workshops in math, science, English language arts and social studies.

Ms. Hearn said:

Personally, it was the best thing that has ever happened in my teaching career. Global networking brings home how small the world really is and how much we have in common as educators.

She added:

It's very rewarding in the sense that you know education is what is going to make a difference in these countries.

Honourable senators, it has been said that if you empower a teacher, you empower a community. This is why World Teachers' Day is so very important. I know that all honourable senators join with me in extending sincere thanks to all our teachers for the pivotal role that they play on the front lines of education every day. They are shaping the future of our country and our world, and we are grateful to them.

WORLD SIGHT DAY

Hon. Vivienne Poy: Honourable senators, World Sight Day is the second Thursday in October. Yesterday I attended a reception that highlighted the World Health Organization's campaign called Vision 2020, which aims to eliminate avoidable blindness by the year 2020.

Canada has pledged its support for this worthy cause. One in nine Canadians is affected by irreversible vision loss by age 65, but 80 per cent of it is avoidable. Our population is growing older and, as it does, more resources must be put toward treatment availability and accessibility; otherwise, seniors risk injuries, depression, loss of independence and death.

In Canada, the costs associated with vision loss are now estimated at \$2 billion per year. Worldwide, the number soars to more than \$28 billion.

Globally, 45 million people are blind and another 135 million have severe vision impairment. In developing countries, medical care is often available in urban areas only. There is a dire shortage of medical professionals who can provide treatment for eye disease, and there are very few community supports. Many people go blind due to untreated childhood illness and infections, and the blind are among the poorest of the poor.

Ninety per cent of the world's blind live in developing countries. Thankfully, there are organizations like ORBIS International to help countries meet this desperate need. This summer I had the opportunity to tour the ORBIS Flying Eye

Hospital on their goodwill visit to Toronto. It was an amazing experience.

On this plane, surgeons perform operations that are simultaneously transmitted to classrooms attended by local doctors and health care workers who can ask questions during the operation.

ORBIS doctors and pilots are volunteers and many are from Canada. Their dedication is impressive. Since 1982, ORBIS has saved the sight of millions of people and helped to train more than 124,000 doctors and other eye care professionals in over 80 countries.

• (1430)

As we approach World Sight Day, I would like to invite all honourable senators to learn more about blindness in Canada and abroad, the work of organizations like ORBIS and the global initiative, Vision 2020. As we celebrate Thanksgiving with our families and friends, let us remember those who are less fortunate than we are.

CANADIAN FEDERATION OF STUDENTS

Hon. Nancy Ruth: Senator Kirby, what you and others did on April 17, 1982, was essential for the development of equality rights for women in this country throughout the 1980s and 1990s, for what feminists do in the legal system is to expose its previously unseen maleness and attempt to deconstruct it in order to make room for the viewpoints, concerns and experience of women.

There are others around these chambers also looking for their rights. This week, Senator Oliver and I met with representatives of the Canadian Federation of Students. We discussed rising tuition fees and the students' call for the federal government to create a dedicated transfer payment to the provinces for post-secondary education that would make university and college affordable. We talked about the need for the Canada Millennium Scholarship Foundation to be wound down in favour of a national system of needs-based grants that could be administered through the Canada Student Loans Program. Of perhaps particular interest to the Senate, the students would like to see Bill C-2's provision for whistle-blower protection applied to university researchers as well as the public service, and have submitted a brief with concrete recommendations and amendments to the bill to the Standing Senate Committee on Legal and Constitutional Affairs.

I love meeting with young people who are engaged in what government is doing and are interested in improving Canada, so I recommend that if they come knocking at your door, give them five minutes.

THE HONOURABLE MICHAEL KIRBY

TRIBUTES ON RETIREMENT

Hon. Jane Cordy: Honourable senators, I rise today to pay tribute to Senator Michael Kirby. I have mixed feelings about doing so because, while it is wonderful to speak of you, I am disappointed that you are leaving the Senate and that you will no longer be chair of the Standing Senate Committee on Social Affairs, Science and Technology.

Michael, you have made a difference. In the six years I have been in the Senate, you have made a difference by chairing a committee that has examined the Canadian health care system. We sometimes forget that no one wanted to talk about health care at that time; they just wanted to keep pouring more money into the system.

You have made a difference by being a champion for those who suffer from mental illness. You have helped to bring the whole issue of mental health, mental illness and addiction to the forefront, and you have provided a forum for those voices to be heard.

I was always appreciative that you used time efficiently at committee meetings and that things always moved along quickly. You talked fast and you did not use time to discuss syntax or minutiae but, rather, you focused on ideas.

You also kept some of your traits of your time as a professor. When we were looking at a draft document and arrived at committee meetings having read hundreds of pages, the first thing you did was go around the table asking each of us what we thought about specific chapters. We were all prepared, because it was important to be part of the dialogue. Besides, we knew that you would do the teacher thing and ask us each our opinion.

You did not let jurisdictional issues get in the way of good policy-making. You also knew from your previous life of the need to consult with the provinces.

As committee members, we did not always agree as we worked through what our recommendations for a report should be. I think you were actually happier when there was a disagreement, because we would have a rigorous debate on whatever the issue was, and we all walked away the better for it.

I might add that each of our completed reports was unanimous. You were always able to develop consensus.

• (1435)

It has been said that you believe in leaving a job at your peak. Well, you are certainly leaving the Senate at your peak. Michael, it has truly been a privilege working with you. I have learned so much from you, not only from a policy perspective, but also from a leadership perspective.

My best wishes to you, to Bobby and to your family as you begin yet another phase of your life with yet more new challenges and more mountains to climb. Thank you for your friendship.

INTERNATIONAL ORGANIZATION OF THE FRANCOPHONIE

BUCHAREST SUMMIT

Hon. Jeremiah S. Grafstein: Honourable senators, I read with interest last week the declaration of the Bucharest conference issued by the chiefs of states and governments of the International Organization of the Francophonie on September 29, 2006. I viewed with respect the Prime Minister's reported efforts to

ensure that the wording of that declaration was more appropriate to the facts of the situation in Lebanon and Israel.

Honourable senators, in Israel, those whose first language is French exceeds 8 per cent. At least 8 per cent of Israelis are francophones, according to the criteria established for membership in La Francophonie. If one examines the roster of the 55 states who are members of La Francophonie and the 7 associates and observers, there are at least 18 of the member states whose percentage of French speakers is 8 per cent or less. For example, Bulgaria, 1 per cent; Niger, 5.4 per cent; Haiti, 8 per cent; Congo, 5 per cent; Vietnam, .02 per cent; and Romania, the host of the francophone summit itself, has a francophone population of 8 per cent, the same as Israel.

In order to ensure that Israel's isolation in international organizations and fora is reduced, I would ask the Leader of the Government in the Senate to urge the government to proceed with the process initiated by the Honourable Mr. Jacques Saada, the minister responsible for La Francophonie in the last government, with the objective of making Israel a member state of La Francophonie.

THE HONOURABLE MICHAEL KIRBY

TRIBUTES ON RETIREMENT

Hon. Art Eggleton: Honourable senators, earlier today I was selected to become the new chair of the Social Affairs, Science and Technology Committee, following Senator Kirby's indication of his retirement. That is an enormous challenge to undertake, given the remarkable record of achievement of Senator Kirby and his deputy chair, Senator Keon, and all of the members of that committee. They have reached a very high plateau in terms of the work that they have done on behalf of Canadians, and that is something of which we can be enormously proud.

When you look at the background of Senator Kirby, it is not too hard to understand his achievements in so many different fields, whether in academia, business or government, both in terms of public service in the bureaucracy sense and working in elected office, in the Office of the Prime Minister, as he has in the past.

Yesterday I attended a luncheon with some fellow senators at the Chateau Laurier for the beginning of Mental Health Week. The place was packed. There were so many remarks made, many of which were focused on the work done by Senators Kirby and Keon and the committee. Those gentlemen were being honoured with special awards yesterday for their work on *Out of the Shadows at Last*. At the table where I sat, there were people who had suffered from mental illness who, up until now, had not talked about it, but they felt that that report and that work gave them an opportunity to come out of the shadow themselves, to be able to tell their story and to help other people in doing that.

I think that was an enormous tribute to Senators Kirby and Keon, to the work of the committee and to the Senate. It is just too bad that that was not the lead item on the CTV national news last night. Their achievements are the kinds of things that make us want to continue to contribute, and certainly I want to try. I have a sense of responsibility in becoming the chair of the committee to

advance both the *Out of the Shadows at Last* report and to take on other work, as has been proposed by members of the Senate, which will make a difference in the lives of Canadians.

Michael, you have made a difference in the lives of Canadians and I am very pleased to be able to take up the mantle and try to accomplish something on behalf of Canadians in that committee. I thank you very much for your efforts.

• (1440)

[Translation]

ROUTINE PROCEEDINGS

STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

REPORT OF OFFICIAL LANGUAGES COMMITTEE TABLED

Hon. Maria Chaput: Honourable senators, I have the honour to table the second report of the Standing Senate Committee on Official Languages, on a fact-finding mission undertaken by the committee in Nova Scotia in September 2005.

I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

The Hon. the Speaker: Honourable senators, is it your pleasure to adopt the motion?

On motion of Senator Chaput, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

OFFICIAL LANGUAGES

BUDGET AND AUTHORIZATION TO ENGAGE SERVICES—STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS— REPORT OF COMMITTEE PRESENTED

Hon. Maria Chaput, Chair of the Standing Senate Committee on Official Languages, presented the following report:

Thursday, October 5, 2006

The Standing Senate Committee on Official Languages has the honour to present its

THIRD REPORT

Your Committee, which was authorized by the Senate on Thursday, April 27, 2006, to study and to report from time to time on the application of the *Official Languages Act* and of the regulations and directives made under it, within those institutions subject to the Act, respectfully requests the

approval of funds for fiscal year ending March 31, 2007, and requests that it be empowered to engage the services of such counsel, technical, clerical and other personnel as may be necessary and to adjourn from place to place within Canada for the purpose of its study.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that Committee are appended to this report.

Respectfully submitted,

MARIA CHAPUT
Chair

(For text of budget, see today's Journals of the Senate, Appendix, p. 505.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator Chaput: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(g), I move that the report be placed on the Orders of the Day of the present session.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

On motion of Senator Chaput, and notwithstanding rule 58(1)(g), report placed on the Orders of the Day of the present session.

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE AND DURING SITTING OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): With leave of the Senate and notwithstanding rule 58(1)(a), I move:

That, in accordance with Rule 95(3), the Standing Senate Committee on Legal and Constitutional Affairs be required to meet Monday, October 16, 2006, from 9:00 a.m. until 9:00 p.m., even though the Senate may then be adjourned for a period exceeding one week;

That the Standing Senate Committee on Legal and Constitutional Affairs be required to meet on Tuesday, October 17, 2006, from 9:00 a.m. until 9:00 p.m. and on Wednesday, October 18, 2006, from 9:00 a.m. until 9:00 p.m., even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto;

That the Standing Senate Committee on Legal and Constitutional Affairs be required to meet Thursday, October 19, 2006, from 9:00 a.m. until 1:00 p.m.; and

That the Standing Senate Committee on Legal and Constitutional Affairs submit its report on Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability no later than Thursday, October 19, 2006.

[English]

QUESTION PERIOD

THE SENATE

LEGAL AND CONSTITUTIONAL AFFAIRS— SCHEDULE OF WITNESSES—RECENT MEDIA REPORTS

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I rise today to put a different question than I would normally put to the Leader of the Government in the Senate. In doing so, I am very conscious of those who have preceded me in this place as Leader of the Opposition.

• (1450)

One of the key traits of those who have preceded me, which I hope to emulate, is that they have served very well the role of this place in ensuring that the work of the Senate is something that we are duty bound to pursue. We shall not and should not be intimidated by what all governments perhaps eventually do, and that is the attempt to push the Senate around, if I could be crude about it.

This concern prompts my question to the government leader. The first government motion on today's Order Paper was given notice of without any preceding consultation with the committee affected by the motion — either the steering committee or the committee as a whole — or with the person responsible for house business in this place. I have spoken to our critic on Bill C-2 and the deputy leader about this matter, and that procedure is not in keeping with good practice.

Also, this week there has been an apparent leak of information to a number of journalists to the effect that certain senators have — and my own case accepted in terms of the budget of the Leader of the Opposition — but certain senators have taken a position on resources available to senators and on their personal life.

On these two matters, was the Leader of the Government aware and, if so, did she approve of the lack of notice to the Legal and Constitutional Affairs Committee or anyone on this side, and is her office or the government responsible for these apparent leaks to the press that are affecting many in this chamber?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, with regard to the work of committees, I thought that members of the steering committee of the Standing Senate Committee on Legal and Constitutional Affairs were working very well. I am not involved in the deliberations of the steering committee other than that there was an agreement that when the Senate adjourned at the end of June, the committee would meet one week of July and then come back after Labour Day to complete their work by September 26. This agreement was clearly believed to have been made and understood. The proof of that arrangement is that the clerk of the committee scheduled the appearance by the two ministers concerned for September 26. If there had been no agreement with the committee, the clerk would not have scheduled those two ministers to appear.

The Hon. the Speaker: Honourable senators, is leave granted?

Some Hon. members: No.

• (1445)

[English]

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

NOTICE OF MOTION TO REFER SUBJECT MATTER

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that at the next sitting of the Senate I will move:

That the Senate refer to the Standing Committee on Rules, Procedures and the Rights of Parliament the issue of developing a systematic process for the application of the Charter of Rights and Freedoms as it applies to the Senate of Canada.

BUSINESS OF THE SENATE

NOTICE OF MOTION FOR ADJOURNMENT

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that, later this day I will move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, October 17, 2006, at 2 p.m.

[Translation]

HONOURABLE MICHAEL KIRBY

INQUIRY

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, with leave of the Senate and notwithstanding rule 57(2), I give notice that, later this day:

I will call the attention of the Senate to the contributions to the Senate of the Honourable Senator Kirby, who will resign October 31st, 2006.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

It is very clear that there is some frustration. In watching the committee hearings on CPAC, I do not think it serves the committee or the Senate well to have witnesses appear and have the same questions repeated over and over with the same answers.

In terms of the committee's deliberations and those of the steering committee, the record clearly shows that our members on that committee, our chair and the leadership on this side have acted in good faith.

With respect to the issue of supposed leaks, I was not aware, other than someone reminding me this morning, that one senator actually sent around a letter some time ago advocating quite a significant increase in the global budgets of senators. That was news to me. I remember the letter now when I think of it, but I cannot recall the date. A news organization may have obtained that letter or information. As far as I know, I have not heard if that particular issue was discussed. It was certainly not discussed in this chamber, and I do not know if it was discussed in the Standing Committee on Internal Economy, Budgets and Administration.

• (1455)

In terms of the personal references to one of the senators and what she does on her personal time, this is the first I have heard of it. I did not even know that that particular senator was presently going to law school. I do not think it is appropriate for senators, especially in an opposition that so outnumbers the government, to be questioning us about leaks in the media, and I certainly do not think it reflects well on this place.

Senator Hays: Madam Minister, I tried to premise my question on the reasons for it because the obvious consequence of the leaks is that those in our caucus are being dealt with in the media in an unflattering way; not just one or two of us, but several. The consequence of those kinds of things in the public domain can be thought to be intimidating to those on this side.

I am happy to say that I believe I have the confidence of all of our colleagues and, as I said in my preamble, it is necessary for us to do our job in the opposition, as has been done so well by others who preceded us in opposition. I take the honourable leader at her word that she had no knowledge of this situation and that it is something that is news to her, although peripherally she had some information about Senator Kenny's letter.

With respect to the Notice of Motion, I do not want to take time now, but if the motion is moved later on in the day, that would give us a better opportunity to have a proper discussion of what took place in the steering committee.

I am sorry for taking the Senate's time to make a comment in response to the minister's answer.

Senator LeBreton: I understand that the honourable senator has refused to debate the motion, so how can we discuss it later if he has refused to debate it?

Senator Hays: I know it is a little unusual; it is more in the rubric of Business of the Senate. The second item under government motions that I referred to is the one that I spoke of in my question. It is on our Order Paper and can be — and I assume it will be — debated if it is moved.

Senator LeBreton: Our deputy leader tells me that we had a new motion but that it was refused.

ENVIRONMENT

KYOTO PROTOCOL

Hon. Tommy Banks: Honourable senators, my question is also to the Leader of the Government in the Senate. Yesterday in the House of Commons, that House gave approval in principle to Bill C-288 entitled An Act to ensure Canada meets its global climate change obligations under the Kyoto Protocol. It is not unreasonable, since that approval in principle has been given, to assume that there might be a happy outcome to that bill.

In light of the passage of that bill in the House, is it the intention of the government to abide by this law if and when it becomes law?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I saw the vote and I actually noticed that some people, such as the member of Parliament from Esquimalt—Juan de Fuca, voted against the position he had taken before, and others, such as Scott Brison, were not there for the vote. It is safe to say that it is clear from the statements of leadership candidate Stéphane Dion and the report last week from the Auditor General that the previous government's implementation of Kyoto was a dismal failure.

I look forward to returning to this chamber after Thanksgiving, when honourable senators will have an opportunity to hear what this government intends to do in dealing with all of the issues of the environment, including climate change.

Senator Banks: Honourable senators, I hope that that will be the case. My question was not couched in any partisan sense because, if you were to look for the most stringent criticism of the previous government, it would have come from this house and from the committees of this house in respect of the ecology and in respect of that government's action upon matters having to do with greenhouse gases in particular. I was asking about the government of today.

• (1500)

Senator LeBreton: Senator Banks, it is too bad they did not listen to you when you said there was criticism from this house. It is a private member's bill. I will not speculate or answer a hypothetical question about what might happen to a private member's bill. When we table our clean air act and our other environmental initiatives, it will be a moot question.

JUSTICE

SAME-SEX MARRIAGE—
POTENTIAL AMENDMENTS TO HUMAN RIGHTS ACT

Hon. Francis Fox: Honourable senators, my question is also for the Leader of the Government in the Senate. It deals with reports that are rampant across the country today and in the other place that the Minister of Justice is considering options in the event a majority of elected parliamentarians rejects attempts to reopen the same-sex marriage debate.

Canadians have a right to know whether the Minister of Justice is planning to disregard Parliament's will as expressed in the proposed free vote by introducing legislation that some commentators have already characterized, rightly or wrongly, as freedom-to-hate legislation. Will the government leader, in view of the traditional interests of senators to basic human rights, reassure all senators that her government has no intention to amend human rights legislation in any way that would decrease the rights of Canadians under present human rights legislation and enactments of the courts?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I wish to thank Senator Fox for his question.

The one thing we did make very clear is that there would be a free vote on the issue some time in this fall session. I will not respond to speculative news stories.

The Globe and Mail is interesting because it will do a big speculative story about what they claim the government intends to do. The next day, it does another big story, getting experts to comment on the headline of the day before. This particular issue is one the *The Globe and Mail* frequently, even during the last election campaign, put on its front page.

Suffice it to say I will not comment on hypothetical situations. I have very strong views; other people have other strong views. Some people are more religious than others. I am not a religious person; however, I would fight to the death to allow people the right to their own views.

Senator Fox: I appreciate the minister's answer. I congratulate her for stating her own personal position as clearly as she has.

Referring to what the minister said earlier this day about her previous functions of putting out fires, perhaps Senator LeBreton would be ready to put out that fire now and end the speculation. I am sure the minister would agree with me that this minority government has not received a mandate to reduce freedoms already guaranteed to Canadians under the Charter of Rights and Freedoms and confirmed by various levels of courts right across the country.

This government has cut most programs allowing minorities of all kinds to challenge through the courts new governmental initiatives. Perhaps to cast aside the perception that the only minority this government wants to protect is its own minority government status, the minister could use her previous experience in putting out fires and end speculation on this subject. Perhaps, the honourable senator could indicate that her government, of which she is an important part, does not intend to introduce any

legislation that will amend Canadian human rights legislation in any way, and that no such options have been asked for from the Department of Justice and, if they have, that they will be returned to the draftsman's table.

• (1505)

Senator LeBreton: I have heard no speculation at all of amending the Human Rights Act. The Prime Minister made it very clear during the election campaign when he was running as Leader of the Conservative Party that his government, if elected, would respect the rights of all Canadians. He was specifically asked the question about gays and lesbians, and he was clear that we would defend the equality rights of gays and lesbians.

As interesting as the speculation is, I will state unequivocally that the rights of minorities in this country will in no way be lessened by the Conservative government.

THE SENATE

OFFICE BUDGETS FOR SENATORS—MEDIA REPORTS

Hon. David Tkachuk: Honourable senators, my question was to be for the chair of the Internal Economy Committee. However, since he is unable to answer questions at this time, I will use my good fortune at being recognized and ask a question of the Leader of the Government.

This matter was raised earlier by the leader of the Liberals in this place. CTV *Newsnet* is reporting that a Liberal senator is asking the Senate to increase the office budgets of individual senators to \$200,000. I received a letter of that kind in June, I believe, shortly before the summer recess. By my calculation, that is approximately a 50 per cent increase.

Could the minister apprise this chamber of whether she supports this initiative and whether she is aware that the matter has been raised with the chair of the Senate's Internal Economy Committee, the committee responsible to approve such an enormous increase?

Hon. Marjory LeBreton (Leader of the Government): I wish to thank the Honourable Senator Tkachuk for that question.

First, I do not support such a move. I spent my summer as part of a cabinet committee looking for \$1 billion in savings. I would hardly be supportive of an increase in any budget. Therefore, I would not support the increase in the global budget. I think that senators' budgets are adequate. Certainly, when we were in opposition, we operated with those budgets and helped each other out. I think the Senate is well served by the monies we receive to run our offices.

In answer to the second part of the question, I do not know whether the matter is before Internal Economy, and I have not discussed it with the chair of the committee.

Senator Tkachuk: When I saw the reports and the letter, I was not sure whether it was just a matter of Senator Kenny, a Liberal senator in this chamber, who is asking for this increase, or whether it was the opposition members in this place and he was asking on their behalf as well.

Could the Leader of the Government in the Senate advise this chamber and clarify whether the Liberal leader in this place sought her agreement to such a large increase?

Senator LeBreton: If I saw Senator Kenny's letter, I have forgotten about it. I understand that he was seeking, according to the news story last night, an increase in the global budgets of all senators.

Senator Prud'homme: He is not speaking for us!

Senator LeBreton: That is a good point, Senator Prud'homme.

Senator Hays has not discussed with me the global budgets of individual senators at all.

Senator Tkachuk: That is good to hear.

TREASURY BOARD

SPENDING CUTS TO NATIONAL LITERACY SECRETARIAT— COMMENTS OF LEADER OF GOVERNMENT

Hon. Marilyn Trenholme Counsell: Honourable senators, I did not intend to rise and talk about literacy until I participated in the inquiry of the Honourable Senator Fairbairn. When I heard the honourable leader speak these words yesterday, I felt compelled to be on the list today.

• (1510)

As quoted from the *Debates of the Senate* yesterday, "...the savings we announced have generally been very well-received across the country, except by the Liberals with their pet projects."

[Translation]

I would first like to point out the loss of a project under the New Brunswick Coalition for Literacy. The goal of the project, Alphabétisation et santé, un monde à comprendre, was to increase awareness and promote French literacy in Acadian and francophone communities in New Brunswick. It was a provincial forum intended to increase awareness among health care professionals and stakeholders in order to make medical information more accessible for people with low literacy levels.

[English]

I point out the Literacy Coalition of New Brunswick, the Bookwagon program in Saint John, the Raise-a-Reader Program, the Adopt-a-Book Program and the Story Sack program. Peter Sawyer, a man who I do not imagine ever went to a political meeting in his life and the President of the Moncton Regional Learning Council, talks about how traumatized they are with the slashing and burning of social programs across this country.

I rise to ask the Honourable Leader of the Government in the Senate, for whom I have great respect — she is a gracious lady and most considerate in her speeches and her remarks — whether she may consider withdrawing the statement "except by the

Liberals with their pet projects." I find it very offensive as well as the people involved in literacy issues across this country. It is a terrible thing, in my mind, to have on the record of this place.

Hon. Marjory LeBreton (Leader of the Government): I wish to thank Senator Trenholme Counsell for that question.

With regard to literacy, as I have pointed out, there are many organizations writing in and being heard. The very clear issue, however, is that literacy programs and development programs will be very well-funded in this country. The government announced an investment of \$81 million.

When I referred to them as "Liberal pet projects," I would be very happy to withdraw those remarks if the honourable senator finds them to be offensive. I can understand why she would, so I will withdraw those remarks.

SPENDING CUTS TO NATIONAL LITERACY SECRETARIAT—COMMENTS OF PRESIDENT OF TREASURY BOARD

Hon. Marilyn Trenholme Counsell: I thank the honourable leader. She continues to have my great respect and admiration. I do have figures here from the New Brunswick Coalition of Literacy and La Fédération d'alphabétisation du Nouveau-Brunswick, however the figures are not exactly clear until the final word is received from the Government of Canada.

I also want to address remarks made by the Honourable Mr. Baird, which struck at the very core of my sensitivity and passion for literacy — "...we've got to fix the ground floor problem and not be trying to do repair work..."

If we took this same philosophy into health care, we would not be dealing with heart attacks; we would be telling people to eat vegetables and jog. We would not be dealing with osteoporosis; we would ensure our children drank enough milk. We would not be dealing with fetal alcohol syndrome; we would say too bad, we will try to prevent our teenagers and young mothers from drinking.

I wonder if that really is the philosophy of our Government of Canada. Will we try to do repair work or try to address all those very unfortunate people for whom the family home was not a cradle of learning and of love? Will we try to help those unfortunate people, who, for no reason of their own, in the early years at least, did not have the chance to learn to read, write and have the full benefits of literacy?

• (1515)

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for her questions. I know this is an emotional issue for many people, but I believe that once people who are involved in the delivery of these various programs have a chance to assess what the government is in fact intending, many of these assumptions will prove inaccurate. Minister Finley has addressed this issue in the other place and has made it very clear that we will focus the literacy program on core programs for which the federal government is responsible in order to help groups such as the senator mentioned that need the program the most — Aboriginal peoples, people with disabilities, immigrants and EI claimants.

Obviously it is in the interests of us all to provide programs to help Canadians improve their literacy skills. Nothing in the savings that we made, having earmarked \$81 million for this purpose, will prevent us from doing so. We will do so by respecting and working with the provinces and territories to reduce overlap and duplication.

There is a John Lennon song entitled *Give Peace a Chance*. Give this program a chance.

SPENDING CUTS TO NATIONAL LITERACY SECRETARIAT

Hon. Joyce Fairbairn: Honourable senators, my question is addressed to the Leader of the Government in the Senate. I join with Senator Trenholme Counsell in expressing my respect for her over many decades.

This past week has been one of the most difficult I have spent in this chamber since I became a senator 22 years ago. Naturally, we have agreements and disagreements on a variety of issues; that is natural. However, it is unfortunate to be adversarial on an issue that touches as many adults and children across this country as does the reality of our literacy challenge in Canada.

Since former Prime Minister Brian Mulroney created the National Literacy Secretariat, all political parties on Parliament Hill have rallied to the cause. Yet, today we are doing battle over the dismantling of one of the most successful federal-provincial partnerships that I can remember. It is hard to understand why the federal government is pulling away from the partnership it has had with other levels of government on this issue by withdrawing \$17.7 million from proven programs that have a track record in assisting citizens of all ages to learn to write and communicate. We are letting Canadians down.

Could the Leader of the Government in the Senate try again to make her colleagues understand that it is critical to teach adults so that they can teach their children before poor literacy skills become a generational reality imbedded in every part of Canada? This is not simple rhetoric.

Every party supports this principle. Surely there should be no difficulty using the best efforts and financial support of all levels of government to deliver the goods directly to those who need them most. Thus far, that unified brand has touched every level, and it has had results. Why change now and create the acrimony that is currently challenging the whole system?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I wish to thank Senator Fairbairn for that question. The answer to that question is much the same as the answer I gave to Senator Trenholme Counsell. There is much misinformation and emotion at the moment. Minister Finley is working with her provincial and territorial counterparts.

• (1520)

We should not make the assumption that the \$17.7 million over two years will all of a sudden end all programs with regard to literacy and, specifically, adult literacy.

I am simply saying that \$81 million this year and next in adult learning, literacy and essential skills is a significant sum of money. I would hope that in six months' time it will be proven that we are, in fact, committed to programs of skills training and literacy,

which we committed to during the election campaign. These programs will be implemented and many of the assumptions that are being thrown around at present will turn out not to be true.

Senator Fairbairn: Honourable senators, I hope the Leader of the Government in the Senate is correct, and we certainly will appreciate it if she is.

One thing that the minister could do, with her many personal skills, is to talk to her colleague, the President of the Treasury Board. The leader knows that deep hurt has been caused by what her colleague has said about adult literacy and people who are in difficulty. It is important that those people have an opportunity, as deeply as we can provide, to be able to do what learners do in this country, and that is, teach other people to learn, including their own children.

Senator LeBreton: Honourable senators, I will commit to Senator Fairbairn that I will ensure that my cabinet colleague, Minister Baird, will be informed of her strongly held views and her concern that some people may be offended by remarks he has made. I have not personally seen them, so I will take the transcripts of the *Debates of the Senate* today and give them to Minister Baird.

[Translation]

Hon. Fernand Robichaud: Can the minister tell us if the community groups currently responsible for literacy programs and community projects previously funded by the literacy program could benefit, at the community level, from the \$81 million program, or if those funds will only go towards supporting provincial or regional associations?

[English]

Senator LeBreton: Honourable senators, that is a very specific question. As I indicated to the honourable senator in an answer the other day, existing programs that had been approved would continue.

I will specifically ask for a clearer breakdown on exactly where they see the \$81 million being disbursed in the provinces and the territories.

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Joan Fraser (Deputy Leader of the Opposition): Your Honour, on a small matter of house business, I should like to offer a clarification. What we refused on this side a few moments ago was not to put a motion on the Order Paper; it was leave to consider that motion this day. We refused it because a similar motion is already on the Order Paper. We thought it was appropriate to deal with them separately.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Your Honour, is this a point of order?

[Senator LeBreton]

Senator Fraser: No, it is a clarification. I said that I just wished to make a clarification.

• (1525)

TAX CONVENTIONS IMPLEMENTATION BILL, 2006

SECOND READING—DEBATE ADJOURNED

Hon. W. David Angus moved second reading of Bill S-5, to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income.

He said: Honourable senators, I rise today to speak at second reading of Bill S-5, the 2006 Tax Conventions Implementation Bill. This legislation purports to amend and update three of our international tax treaties, namely, those that we have had in force for many years with Finland, South Korea and Mexico. These three tax treaties covered by this bill have two essential objectives: one, the avoidance of double taxation; and two, the prevention of income tax evasion.

I will elaborate further on the importance of these objectives, but before discussing the specifics of the bill there are several general points that I wish to make, honourable senators, on the nature of tax conventions or treaties and their role in contributing to a competitive and modern tax system for Canada.

First, I wish to make it clear, honourable senators, that Bill S-5 does not represent any new or significant change in Canada's international tax policy. Basically, it should be considered as routine legislation. Having said that, the three treaties covered by this bill, like their predecessors, are each patterned on the OECD Model Tax Convention, which has been accepted by most developed countries, and such treaties are in effect between Canada and many of our trading partners around the world. The provisions in these treaties or conventions referred to in Bill S-5 comply fully with the international norms that presently apply to such conventions.

To put the legislation in context, in 1971, the government undertook a comprehensive tax reform and overhaul of Canada's tax system. Among other initiatives at the time, the expansion of our network of tax treaties or conventions with other countries was implemented.

The present government is committed to maintaining our tax system in a modern state and has announced that it has many measures in mind to accomplish this end. One of these measures, with a view to making our system more competitive, is updating our current tax conventions and bringing them up to modern speed. This bill represents, for example, three of these measures. Other works are in progress with respect to other of our treaties. If we are able to accomplish updates across the board, Canada will indeed remain an active and leading participant in the global economy.

Honourable senators, these tax conventions have met with a great deal of success over the years, and I anticipate that the ones before us in Bill S-5 will be no exception. This depends, however, on the countries involved completing their own legislative

requirements. The indications are that all three countries — Finland, South Korea and Mexico — intend to ratify the conventions as soon as possible after our own enabling legislation. Once this bill comes into force, Canada will then have 89 conventions in place with other countries for the avoidance of double taxation.

Honourable senators, I mentioned earlier that tax treaties can contribute to a competitive tax system. Indeed, Canada's government has an important role to play in building a more competitive economy by creating an environment that enables Canada's entrepreneurs, businesses and taxpayers to excel and which does not stand in the way of their success. This includes ensuring that the fundamental elements of a growing and productive economy are in place.

• (1530)

Honourable senators, updated tax conventions such as those covered by Bill S-5 are an important ingredient of the government's overall approach to improving the tax system. Indeed, they are an integral element of the government's plan to improve the standard of living for all Canadians. You might ask, honourable senators, how international tax conventions, such as the ones contained in Bill S-5, make a difference for all Canadians? What do taxes in other countries have to do with us? Well, such tax treaties directly affect the international trade in goods and services that flow between Canada and the three countries involved and, in turn, impact on Canada's domestic economic performance. That impact is significant. Over 35 per cent of Canada's annual gross domestic product can be attributed to exports. Moreover, Canada's economic wealth each year also depends on foreign direct investment as well as inflows of information, capital, technology, royalties, dividends and interest. In other words, honourable senators, the updated tax treaties contained in Bill S-5 will benefit Canadian businesses and individuals with operations and investments in Mexico, Finland and South Korea. How will this happen?

To begin, perhaps the most important point is that taxpayers will know that a treaty rate of taxation cannot be suddenly increased without a substantial advance notice. As an interesting example, we have seen recently, with the recent high price of commodities and minerals, where Canada was investing heavily in mines in foreign countries, and suddenly taxes were being imposed that would absolutely destroy any possibility of making profits from these investments. If tax treaties like these were in effect with such countries, that risk would be obviated. As well, the mere existence of these treaties will foster an atmosphere of certainty and stability for investors and traders that can only enhance our economic relationship with each of these three countries.

Another important facet of the conventions is that the complexity in the operation of the tax system will be reduced and a mechanism to settle problems encountered by taxpayers will be provided. Reducing the burden of this administrative compliance will encourage more international economic activity, and this can only have a favourable effect on our domestic economy.

In short, honourable senators, these new updated treaties will provide individuals and businesses in Canada and the other signatory countries with more predictable and equitable tax

outcomes in their cross-border dealings. As you know, Canada's economy is been becoming increasingly intertwined in the complexities of the global economy. Eliminating administrative difficulties and unnecessary tax impediments with respect to cross-border dealings is an important ongoing priority for Canada's government.

Eliminating administrative complications is an important component of international tax conventions, but hand and hand with that is the issue of tax fairness and tax evasion. In the name of fairness, Canadians should ever find themselves subject to double taxation. It would also be unfair for those who owe taxes not to pay the taxes justly due as well. As the full title of this bill implies, this is exactly what the treaties work to eliminate.

Double taxation in an international sense arises as the result of the imposition of comparable taxes in two or more states on the same taxable revenue in the hands of the same person and for the same period of time. As you can appreciate, honourable senators, such an overlap between taxation by the country where the income arises and taxation by the country where the taxpayer resides can have obvious adverse and unfair consequences for taxpayers.

Honourable senators, to alleviate the potential for this happening, these tax treaties allocate taxing authority with respect to a given item of income. This can happen in one of three ways. Income may be taxable exclusively in the country in which it arises; it may be taxable only in the country in which the taxpayer is resident; it may be taxable in both the source country and the country of residence, with relief from double tax provided in some form such as treaties like these.

From an administrative point of view, when a country is granted the exclusive right to tax in accordance with its treaty privileges, the burden associated with filing tax returns in the jurisdiction of the other treaty signatory country is greatly reduced. As an example, if a Canadian resident employed by a Canadian company is sent on a short-term assignment, say for three months, to any one of the three treaty countries contained in this bill, Canada has the exclusive right to tax that person's employment income generated during that period. However, in the case of most items of income and capital, the right to tax is shared under any of the three tax treaties contained in this bill. Where a shared right exists to tax an item of income of a taxpayer, there also exists an obligation on the part of the country in which the taxpayer is resident to eliminate any double tax.

One method of reducing the potential for double taxation involves the reduction of withholding taxes. Certain countries, as you know, impose tax on certain types of income that non-resident earn. Without a tax treaty or other legislated exemption, Canada taxes various categories of income paid to non-residents at the rate of 25 per cent. Most of Canada's trading partners impose a similar level of withholding tax. However, Canada's network of tax treaties provides for several reciprocal withholding tax rate reductions that more accurately reflect the actual level of taxes owed. Normally, under treaty, the country where the income is generated can withhold tax, usually at say 5 per cent, 10 per cent or 15 per cent on dividends, depending on the circumstances, and 10 per cent in the case of interest and royalties. In some instances, royalties on copyrights, computer software, patents and know-how are exempt at source.

There is more honourable senators. It is exciting stuff. As I have just explained, double taxation or over taxation is clearly unfair and economically damaging, but tax evasion is anathema. Not only is it illegal, it is unfair to the other people who pay taxes. It is damaging to the economy. It is interesting that yesterday, in the House of Commons, the government introduced a new bill dealing with money laundering and financing of terrorist organizations. The proceeds of crime that are the targets of that legislation include monies that otherwise would be legally taxed. In other words, that legislation also goes to meet and remove or obviate tax evasion, in some sense.

As a part of being a global player in an international economy where billions of dollars in illicit funds are circulating, Canada is trying, in the global context, to minimize and defeat this stuff. It is like the finger in the dike. It is very difficult. The tax conventions themselves are part of the legislative network or the web of measures being taken by governments to try to stem the losses resulting from tax evasion and other criminal activity.

The government recognizes that the best defence against international tax evasion is through improved and expanded mechanisms for international cooperation and information sharing. To facilitate that goal, treaties like those contained in Bill S-5 permit the exchange of information between revenue authorities and, in so doing, help them identify cases of malfeasance and act on them. I would go so far as to say that these treaties represent the foundation upon which international efforts at combating tax fraud and evasion are built.

Honourable senators, as I mentioned at the outset, Bill S-5 is not controversial, nor does it contain any surprises or contentious issues. There is little doubt that its benefits are clear. As mentioned, the treaties covered in this proposed legislation will provide equitable solutions to the various tax problems existing between Canada, Finland, South Korea and Mexico. Moreover, the treaties will help secure Canada's position in the increasingly competitive world of international trade and investment.

Honourable senators, I urge expeditious reference to the Standing Senate Committee on Banking, Trade and Commerce for study of this bill.

Hon. Lowell Murray: Would the sponsor of the bill accept a question?

Senator Angus: Absolutely.

• (1540)

Senator Murray: The honourable senator touched on a matter that is of interest to me in the course of his speech. He said that our partners in Finland, Mexico and Korea intended to ratify the treaties as soon as possible. Recently, in the course of a more general discussion that some of us had with government officials, it was mentioned, in the case of a particular country, that some considerable time ago Canada had passed a bill similar to this one. It was mentioned that the country in question, for reasons that I think had to do with their legislative and political situation, had not moved on it and that Canada had been waiting some considerable time for this other country to ratify.

Although I do not expect the honourable senator to have the information at his fingertips, my question to him is whether that situation pertains in many other cases? I would ask the honourable senator to obtain from the government a list of cases where we had passed legislation of this kind and where there had been no reciprocity to date on the part of our partners. It might be that there are only one or two similar cases but I would like to know. Would the honourable senator undertake to bring in that information prior to a vote at third reading of this bill?

Senator Angus: I thank Senator Murray for his question. I am happy to undertake to provide that information to the honourable senator. If it is of any comfort to him, I have raised the same question with the officials who briefed me thoroughly on this proposed legislation. As Senator Murray is aware, I have a reasonably extensive background in tax law and tax conventions with over 47 years at a leading tax law firm, so I am aware of the issue.

Canada has treaties in place with 89 countries. Bill S-5 is Canada's activity in terms of implementation from Canada's point of view. Obviously, the other side of the coin is that the other partner has to implement it as well.

I understand that we no longer bring such bills forward because of the experience to which the honourable senator has referred. As senators may recall from the last Parliament, the then Leader of the Opposition in the Senate, the Honourable Senator John Lynch-Staunton, made it a personal mission to audit each of these treaties to ensure that the partner country was not engaging in any actions that Canada does not support, such as civil and human rights abuses. He also endeavoured to ensure that the partner country would play fairly.

One or two such treaties are works in progress and are being upgraded due to changes in respect of money laundering. Most larger countries are following suit. I will double-check and bring a list to the honourable senator to ensure that I have not misled him.

Senator Murray: I am glad that the honourable senator mentioned his long and distinguished experience in tax law. If he had not done so, I would have done so as preface to my second question. He mentioned tax evasion, which, as he correctly points out, is illegal — a criminal activity, in fact.

Senator Angus: It falls under criminal law.

Senator Murray: Yes. What does the honourable senator think of the advertising campaign on television? I am sure he has seen the commercials in which a firm of tax advisers, I suppose, offers Canadian taxpayers the opportunity to consult them. The message is such that if you are cheating the fisc, you do not go to a firm of accountants; rather you go to them because they have lawyers. The minute you walk in the door, you will be protected by solicitor-client privilege, and they will run interference for you with the Canada Revenue Agency. I wonder if the honourable senator has a comment to make on that advertising campaign?

Senator Angus: It is my view that any advertising by a law firm is anathema. I am from the old school when lawyers did not advertise. When I see law partners putting up their ads, I quickly

take note. I understood the ads referenced by the honourable senator to be sending the message that if someone has been cheating the fisc, it is time to come clean because this new government is getting tough and is determined to have more law and order. Ottawa will search out the cheaters and will bring them to justice. The ad offers the ability to make a declaration and be defended. This is all part of the great new government.

Hon. Sharon Carstairs: Honourable senators, I have watched those ads carefully with my husband, who is a lawyer, and he is totally appalled by them. I do not think the ads are of the nature characterized by the honourable senator.

On motion of Senator Fraser, debate adjourned.

[Translation]

OFFICIAL LANGUAGES

MOTION TO APPROVE NOMINATION OF GRAHAM FRASER AS COMMISSIONER ADOPTED

Hon. Gerald J. Comeau (Deputy Leader of the Government), pursuant to notice of September 26, 2006, moved:

That, in accordance with Section 49 of the *Official Languages Act*, R.S.C. 1985, chapter 31 (4th Supp.), the Senate approve the appointment of Graham Fraser as Commissioner of Official Languages for a term of seven years.

Motion agreed to.

• (1550)

[English]

BUSINESS OF THE SENATE

Hon. Tommy Banks: Honourable senators, I think we missed order number 9. May I ask leave to revert to order number 9?

The Hon. the Speaker: As I was following the scroll, I think we skipped one. Let us agree, honourable senators, that the table is now calling order number 9, for second reading of Bill S-210.

NATIONAL CAPITAL ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Segal, for the second reading of Bill S-210, to amend the National Capital Act (establishment and protection of Gatineau Park).—(*Honourable Senator Cools*)

Hon. Tommy Banks: Honourable senators, I have heard others speak about this matter. This is very important. If there is any place in Canada that ought to be a national park, in the normal sense of that word, it is Gatineau Park. There are many reasons for that. For one thing, it was supposed to be Canada's first national park created under the National Parks Branch — not

only the first national park for Quebec, and not only the first national park advocated to be created outside of the Rocky Mountains of the West, it was also the first park advocated for creation by the first parks branch in the world, which was in Canada. It was created in 1911, and Dominion Parks Commissioner James Harkin suggested that the first national park to be created outside of the Rocky Mountains of Alberta and British Columbia should be Gatineau Park. However, his suggestion was never acted upon. Gatineau Park remains the only large federal park that is not a national park. It is a poor second cousin.

In the past when this subject has been raised, we have heard from the National Capital Commission that the reason for this state of affairs is the intransigence of the Province of Quebec in dealing with the question. Several senior officials and journalists over the past years, even since I have been here in the Senate, have claimed that the Quebec government is responsible for preventing Gatineau Park from becoming a national park because that government has historically refused to transfer its 17 per cent ownership of the land to the federal government.

For example, when he was appearing before the House of Commons Environment committee in 2005, in response to a question, Parks Canada's chief executive officer Alan Latourelle said, in part:

...for any part of Canada to be considered for a national park, the National Parks Act is very clear that we need a federal-provincial agreement, or the province has to agree that those lands would be used for that purpose...

In the case of the Gatineau Park, part of the land is not federal. It is provincially owned... In this specific case, if it were to be considered for a national park, we would require the Government of Quebec's support, and clearly historically we have not received that level of support anywhere in Quebec to create national parks. So it's not an option we're currently looking at.

However, that claim is both wrong and misleading since it seems, on the face of it, that the provincial transfer needed for the creation of a national park in Gatineau Park had already taken place. According to a 1973 agreement on Gatineau Park and the exchange of Orders-in-Council, the Quebec government transferred the control and management of provincial lands located inside the park to the federal government in perpetuity. The province also transferred the control and management of the lake bottoms located in the park. The Province of Quebec committed itself not to issue mining exploration permits, stipulated that the land it was transferring was to form a part of Gatineau Park and guaranteed that the rights it was transferring were free of all defects in title.

In those kinds of agreements, and those preceding the creation of national parks, it is not ownership that is being transferred when we are talking about Crown lands; it is rather the control and management of those Crown lands. In setting the principle of the indivisibility of the Crown, the Supreme Court has ruled that Her Majesty is the owner of the property, whether in right of Canada or in right of the provinces, and Her Majesty cannot

grant unto herself. Only the administrative control of the property passes. The transfer is therefore made by reciprocal Orders-in-Council and is confirmed by statute where third party rights are involved.

According to University of Calgary Professor Nigel Banks — no relation, incidentally — a transfer of land from the provincial to the federal government for the creation of a national park is not technically a conveyance of ownership. Rather, it is the administration and control of the land and resources that are being transferred from the province to the federal government.

By virtue of this 1973 agreement, the province essentially has done what it needed to do when it participates in the creation of a national park. It has handed over control and management of Gatineau Park lands, which it owns, to the federal government and has agreed to do so specifically for park purposes.

When asked why it claims that the province still owns or holds title to 17 per cent of the land in Gatineau Park, the National Capital Commission answered in part:

The issue of ownership of these lands is complex. Because of the nature of the agreement governing these lands, the National Capital Commission does not have clear title to these lands.

In essence, this absence of clear title means that the province transferred the management and operation of the land to the federal government with considerations.

An examination of clause C2 of the Quebec Order-in-Council that makes that transfer reveals the nature of those conditions, and here is what they are:

- that the lands transferred to the commission
- the National Capital Commission
- by the government —
- by which is meant the Government of Quebec

described in Annex A are to form part of Gatineau Park, and in the event that any part of the said lands not be required for the purpose of Gatineau Park, the control and management of such parts of said lands shall be transferred by the commission to the government.

In other words, here is the management and control of the lands for park purposes, and if you do not use them for those purposes, you must give them back. The federal government — and the National Capital Commission therefore — has the effective control and management of those lands in perpetuity, as evidenced by the Orders-in-Council in question. The only condition is that they continue to be used for the purposes of a park, and if they cease to be used for that purpose and are, instead, used for purposes other than that, they will be transferred back to the province. It seems that the National Capital Commission has consistently misrepresented, or perhaps misunderstood, that condition and has referred to that in opposing the idea of turning Gatineau Park into a national park.

I have in my hands the federal Order-in-Council, the Quebec Order-in-Council and the agreement of the Government of Canada respecting these lands — the control and their transfer into the Government of Canada's hands, into the hands of the National Capital Commission for the purposes of a park.

There remains only one impediment to the creation of a national park in respect of control of all of those lands, honourable senators, and that is the fact that there are still some privately owned lands that lie within what is now called Gatineau Park. They are private properties that remain within what would be, one assumes, Gatineau Park. There are a number of options open to the government to deal with this impediment. It could, of course, resort to expropriation. In the past, it has not hesitated to use expropriation in the creation of national parks, but it has not done so since 1979 as a matter of policy, and since 2000 as a matter of legislative estoppel.

The NCC can use its powers of expropriation under sections 14(1) and (2) of the National Capital Act, but it has not shown any intention of doing so. If it did, there would be an enormous resistance. There is a much less draconian way to deal with the situation, and that way is contained in the two bills currently before Parliament. Both Bill S-210 and Bill C-311 deal with this issue by giving the National Capital Commission a right of first refusal over all private properties contained within Gatineau Park.

• (1600)

I hope that we will deal with those bills, the one that is now before the Senate and the one that will be coming to us when it leaves, as I hope it will, the House of Commons, with alacrity so that we can get on with the business of bringing about what should be a national park.

I am from Alberta and British Columbia. In Alberta, there are three national parks but there is a certain cache to Gatineau Park, which should be a national park for all Canadians, because of its proximity to, and is effectively part of, the National Capital Region.

I urge all honourable senators to remember these things when these matters come before us.

Hon. Anne C. Cools: Honourable senators, Senator Banks has made a reference in his remark about having in his possession two Orders-In-Council.

Senator Banks: Yes.

Senator Cools: The purpose of my intervention is to invite Senator Banks to put to the house the numbers and dates of the two Orders-in-Council on the record and, if you could, to table them for the record and for all of us.

Senator Banks: I will go in the order in which they happened.

The first is an Order-in-Council of the Province of Quebec, number 3736-72, signed on December 13, 1972. The second is an agreement entered into on August 1, 1973 between the Government of Quebec and the National Capital Commission. This sets out the transfer of the management and effective

operation of those lands with the condition to which I referred; that is, this is the purpose for which they are to be used, and a reversion clause, which requires, if they are not used for those purposes, the management reverts. The third document is an Order-in-Council of the Government of Canada signed by His Excellency on February 20, 1973.

Senator Cools: The number?

Senator Banks: TB716459.

With permission, Your Honour, I will table these documents

Senator Cools: Agreed.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

The Hon. the Speaker: Further debate?

On motion of Senator Cools, debate adjourned.

SCOUTS CANADA

PRIVATE BILL TO AMEND ACT OF INCORPORATION—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Cochrane, for the second reading of Bill S-1001, respecting Scouts Canada.—(*Honourable Senator Jaffer*)

Hon. Mobina S. B. Jaffer: Honourable senators, it is an honour and a pleasure to speak again to Bill S-1001, which officially changes the name of Boy Scouts of Canada to Scouts Canada. I have had two previous opportunities to speak on this subject and I want to take the time to repeat some of the reasons I continue to support this bill.

I have been involved in Scouting nearly all my life. I was a Brownie, a Girl Guide, a Queen's Guide, while growing up in Africa, and a Girl Scout in the United States.

For my family, Scouting is a tradition. My mother grew up working with Lady Baden-Powell, the wife of Lord Baden-Powell, the founder of Scouting. She then went on to become a Girl Guide leader and she continues to support the movement to this day.

When I first came to Canada, I wanted to ensure that I continued to be involved in Scouting and pass this tradition on to my children the way my own parents had passed it on to me. With my husband, I was a Beaver, a Cub and a Venturer leader. In the 1980s, my husband and I started a coed Venturer group, one of the few in the country at this time. We thought this would be an excellent way to bring together young men and women so that they would learn to challenge and relate to one another.

Honourable senators, I have always supported and will continue to support Scouting because I believe that it teaches young boys and girls skills that apply not only to survival in the wilderness, but also lessons that they can apply to all of life's situations. As the Scouting motto says, Be prepared.

Scouting helps young people build interpersonal bonds and to become leaders, to confront challenges hands-on and to work as a team. These lessons can be learned only in the kind of environment that Scouting offers. These were the kinds of life lessons that Lord Baden-Powell had in mind when he began the Scouting movement almost one century ago. He thought it would be a good idea to teach boys some of the skills and ideals of Scouting.

Scouts should be strong, courageous and alert, able to read the smallest signs of nature and track animals and to survive in the wilderness. They should always be ready and willing to help each other and to decide what to do and when to do it.

Lord Baden-Powell believed that Scouting affected a person's education, appreciation of religion and a greater promotion of peace. He set out a number of reasons why Scouting was an important educational experience. He stated that the secret to sound education was to get each pupil to learn for himself instead of instructing him by driving knowledge into him through a stereotypical system.

Lord Baden-Powell had a vision that went beyond simple survivor skills to much larger views on the promotion of peace and justice. He said, and it is very relevant at this time:

...before you can abolish armaments, before you can make treaty promises, before you build palaces for peace delegates to sit in, the first step of all is to train the rising generations — in every nation — to be guided in all things by an absolute sense of justice. When men have it as an instinct in their conduct of all affairs of life to look to the question impartially from both sides before becoming partisans of one, then, if a crisis arises between two nations, they will naturally be more ready to recognize the justice of the cause and to adopt a peaceful solution, which is impossible so long as their minds are accustomed to run to war as the only resource.

This underlines why I think Scouting is important and why I work to encourage the Scouting experience in my own family and community. As Senator Di Nino mentioned, Scouts Canada now includes boys and girls. Bill S-1001 will formally change the name of the organization in both languages to reflect this change.

Honourable senators, when I took my own group of coed Venturers to the world jamboree in Kananaskis, Alberta, the experience was particularly rewarding for the girls. They learned they could do outdoor activities as well as, if not better than, the boys. They gained confidence as a result. These young Muslim girls learned that they could do anything that the boys could do. They learned that they could take on any challenges, gain more points and awards than their male colleagues. It helped these girls take on life careers that otherwise they would not have done. Today these Venturers tell me that they are engineers and scientists because they have no mental barriers as to what girls can achieve.

One of the proudest moments in the life of my husband and I was when we came across a female member of our Venturer group who told us she was doing very well and was doing well because of the skills she learned as a member of our coed Venturer group. She told us that being a member of a coed Venturer group helped her alleviate any fear she had of her own limitations.

As a former Girl Guide commissioner, I believe that the Girl Guide movement is important for the growth of girls and has a great role to play. However, I also believe that the coed group helps to build confidence in young people. I want to thank Senator Di Nino for introducing Bill S-1001 and I join him in support of its speedy passage.

I urge all honourable senators to take one more step and support the Canadian Scouting movement in their own regions to ensure that our young people are given the opportunity to participate in the unique experience that Scouting offers.

On motion of Senator Hays, debate adjourned.

• (1610)

PUBLIC SERVICE EMPLOYMENT ACT

BILL TO AMEND—REPORT OF COMMITTEE— DEBATE ADJOURNED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on National Finance (Bill S-201, to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes), with an amendment), presented in the Senate on October 3, 2006.—(*Honourable Senator Day*)

Hon. Joseph A. Day: Honourable senators, I rise to fulfil my obligation under rule 99, which provides that:

On every report of amendments to a bill made from a committee, the Senator presenting the report shall explain to the Senate the basis for and the effect of each amendment.

Honourable senators will know that this is a private member's bill sponsored by Senator Ringuette. It deals with the elimination of bureaucratic patronage and geographic criteria for the appointment process.

During the clause-by-clause study of this particular bill after we had witnesses before us, in the interests of compromise Senator Ringuette agreed to — and all other senators were in agreement — the proposed amendments. With respect to the implementation of the existing policy of the Public Service Commission that is currently being phased in, and in the interests of assisting this transition, the committee has recommended to the Senate that rather than a blanket prohibition on the existing geographic criterion for competition there should be some level of flexibility.

The report, therefore, recommends that the bill be amended so that the advertised external competitions would have to have a national area of selection, but for other competitions the existing options of establishing geographic criteria would be maintained.

That is the essence of the amendment. My recollection is that the amendment was that it was adopted, on division.

The Hon. the Speaker: Are honourable senators ready for the question?

On motion of Senator Stratton, debate adjourned.

STUDY ON STATE OF HEALTH CARE SYSTEM

REPORT OF SOCIAL AFFAIRS, SCIENCE AND TECHNOLOGY COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the second report of the Standing Senate Committee on Social Affairs, Science and Technology, entitled: *Out of the Shadows at Last*, deposited with the Clerk of the Senate on May 8, 2006.—(Honourable Senator Cordy)

Hon. Jane Cordy: Honourable senators, I am proud to rise today to speak about the report entitled, *Out of the Shadows at Last: Transforming Mental Health, Mental Illness and Addiction Services in Canada*, which was tabled by the Standing Senate Committee on Social Affairs, Science and Technology in May of this year.

I am particularly pleased to have the opportunity to speak on this issue during Mental Illness Awareness Week, which this year is being observed from October 1 to October 7.

I would like to thank the chair of the committee, Senator Michael Kirby, and the vice-chair, Senator Wilbert Keon, both of whom provided excellent leadership and both of whom did so much work to include all stakeholders in our study.

I would also like to thank all members of the committee. It was a pleasure to work with such hard-working senators who all felt so passionately about the issues with which we were dealing. I know there were many occasions, after hearing the testimony of witnesses, when we did not know whether to be angry or to cry because of the stories that were told. I think we all did a bit of both.

Why did the committee begin to study the issue of mental health, mental illness and addiction? Once we had completed our study of the health care system in 2002, we knew that there was a need for work to be done specifically in this area. It was evident to each of us on the committee just how widespread and pressing were the needs in the field of mental health and mental illness.

When Senator Kirby looked around the table at the committee meeting and asked what our next focus should be, it was unanimous that it be mental health. In fact, every senator around the table had a friend or a family member who had experienced poor mental health. In February 2003, our committee embarked on a major study of mental health, mental illness and addiction.

There is a high prevalence of mental illness in Canada. Twenty per cent of Canadians — that is one in five Canadians — will suffer from poor mental health at some point in their lives. Mental health has been so ignored and underfunded that it has

left some groups particularly vulnerable, such as children, adolescents, Aboriginal peoples and individuals with complex needs.

There is also a continuing stigma and discrimination against those suffering from mental illness or addiction. Combatting this problem requires a multi-pronged effort sustained over a long period of time that is coordinated at all levels of government.

Honourable senators, if you were unable to read the entire report, I would ask you to read the first two chapters which tell the stories that we heard as we travelled across the country. We heard from those living with mental illness, from their families and from those working in this area. Their stories were both uplifting and devastating, and they are a testament to those who have gone unheard for so long.

I remember the mother from Prince Edward Island who went to visit her son a few weeks after he started university. She was expecting to see him play on the football team and instead found him distraught under the bleachers. He was diagnosed with schizophrenia and now lives in a group home.

Another mother from Ontario spoke of her son who was a top athlete and an honour student with lots of friends. He became mentally ill in high school and he did not receive any phone calls or visits from his friends or from the school when he was unable to attend classes. The mother felt — and I would agree with her — that if it had been a physical illness there would have been lots of cards, phone calls and visits.

I will never forget listening to the young girl at hearings in Newfoundland. She was in her late twenties, married, university educated and bilingual. She had been working for the federal government in Ottawa when she became clinically depressed. She was on leave from her job and had moved back to Newfoundland for financial reasons and to be close to family. She started to cry and said she wished she had breast cancer because at least she would not have lost her family and friends. I am not sure if senators are supposed to cry at hearings, but I found myself dabbing at my eyes because it should not be this way.

There was a doctor who suffered from postpartum depression and was treated by a colleague who did not charge her for treatment because he was afraid it would affect her career if people found out about her illness.

There are a great many young people who are living with mental illness. It is conservatively estimated that a total of some 1.2 million young Canadians live with anxiety, attention deficit, depression, addiction or other disorders. Given that families are so often involved in the care and support of their younger members and that they are usually enrolled in school, the impact of these high rates of illness is widely felt. When a young person lives with mental illness or addiction, so too do his or her family members and teachers and schoolmates.

Although one might expect that these high rates of prevalence, coupled with advocates — in this case parents and teachers — would have resulted in a well-organized, appropriately funded mental health system capable of attending to the needs of children and youth, this is not the case. The Senate committee learned that

intervention occurs far later than it should, that the system is fragmented and underfunded, and that there is a critical shortage of mental health professionals.

• (1620)

Children and youth are at a significant disadvantage when compared with other demographic groups affected by mental illness in that the failings of the mental health system affect them more acutely and more severely. For this reason, the Senate committee believes, as I do, that it is imperative to move aggressively to tackle key problems now.

How do we do this? Our committee feels that it is important to identify and provide services to those children who are living with or who are at risk of developing mental illness at the earliest possible opportunity. Also, a way must be found to effectively manage the transition into the school system and, again, as youth move into the adult mental health and social services systems.

To help achieve these goals we have recommended that school boards mandate the establishment of school-based teams made up of social workers, child youth workers and teachers. Working across disciplines, these teams would be tasked with helping family caregivers navigate and access the mental health services their children require.

Our committee also recommended that the school be made the site for the delivery of mental health services to be provided by these newly established in-house mental health teams. The teams would respond to referrals from teachers who would be trained and supported so that they could be involved in the early identification of mental illness. Proper support for teachers is crucial to the success of this initiative, as we cannot again ask our educators to do more with less. Teachers and children service personnel must be part of the team and their voices must be heard.

In addition, the Senate committee's recommendations encourage mental health professionals and provincial and territorial governments to work together to tear down barriers within and between the mental health and social services system. It is our strong belief that all treatment and social services, be they community, school or hospital-based, should be fully integrated to ensure children and youth receive age appropriate interventions and supports for as long as they are needed.

Honourable senators, the difficulty with any parliamentary report is that it does not necessarily spur the government to act. To ensure that our committee's recommendations are implemented, we have asked the Government of Canada to create a new national body, the Canadian mental health commission. The commission will be charged, among other things, with operating a national campaign to reduce the stigma associated with mental illness and to establish a knowledge exchange centre.

The previous Liberal Minister of Health, Ujjal Dosanjh, had agreed to the establishment of the commission, as did the current minister, Tony Clement.

Honourable senators, I am hopeful that this government will move immediately to set up the commission so that we can begin to address the numerous concerns that we heard from across the country. By working together to break down the silos between government departments and different levels of government, I hope that we can change those lives that have been affected by mental health, mental illness and addictions. It is through partnerships and working together that solutions will be found to transform mental health, mental illness and addiction services in Canada. I hope that we can change the lives of many others.

I would like to close by quoting Roy Muise, a certified peer specialist employed by the Consumer Initiative Centre who appeared before our committee in Halifax and who has suffered from mental illness. He said:

To the people of Canada I say welcome us into society as full partners. We are not to be feared or pitied. Remember we are your mothers and fathers, sisters and brothers, your friends, your co-workers and children. Join hands with us and travel together with us on the road to recovery.

On motion of Senator Keon, debate adjourned.

COMMITTEE OF SELECTION

FOURTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to the consideration of the fourth report of the Committee of Selection (change in membership for the Official Languages Committee), presented in the Senate on October 4, 2006.—(*Honourable Senator Stratton*)

Hon. Terry Stratton moved the adoption of the report.

Motion agreed to and report adopted.

STUDY ON NATIONAL SECURITY POLICY

REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on National Security and Defence, entitled: *Managing Turmoil, The Need to Upgrade Canadian Foreign Aid and Military Strength to Deal with Massive Change*, tabled in the Senate on October 4, 2006.—(*Honourable Senator Kenny*)

Hon. Bill Rompkey: Honourable senators, I wish to make some comments on this report and, in particular, to a certain section that I find hurtful, inaccurate and ill-considered. I refer to the section on page 53, entitled "Goose Bay: The Poster Boy For Warped Military Spending."

I do not know who writes these things. The first thing that offended people in Goose Bay from whom I heard today was the wording.

Leaving aside the wording — and there are other examples in the report, such as "loveable old Goose Bay," which is mentioned later on — in fact, it is an attack on the base. This was done

without any consultation, as far as I know. Certainly no one consulted with me. I have been working for this base for 40 years and pretend to know something about it. No one asked me for my opinion or my position or to explain what was going on there. Yet this report comes out with all these recommendations which are supposedly knowledgeable.

To my mind, this is micromanaging. It is not the job of a House of Commons committee or a Senate committee to micromanage defence. It is the job of the House or Senate committee to make a broad critique of government policy.

Some Hon. Senators: Hear, hear!

Senator Rompkey: What gives anyone the right to say which bases live and which bases die? There are bases all across this country. There are bases in Nova Scotia, British Columbia and Alberta. Would anyone here accept that their base would be closed without a fair hearing or without a fair trial or without some defence of what they were trying to do? This is micromanaging and it is unacceptable.

I have had some experience with this. I chaired a House of Commons defence committee. I chaired the defence review in 1993. I took the stance then that our position was to recommend policy, not to micromanage policy. That is the job of the government.

Senator LeBreton: That is right.

Senator Rompkey: It seems to me that this report has gotten way out of line. It has taken on a role that is not intended for them. It is one that they do not require or deserve.

The report goes on to talk about the "remarkably powerful lobby from such a small community." I was part of that lobby, and I was quite proud of that. I thought it was part of my job. I have been here since 1972. If you asked Don Jamieson what I was supposed to do, he would tell you that I was supposed to represent and to lobby for my community, and to get what I could for it. If you asked Jean Chrétien about Shawinigan, he would say the same thing. Our job here is to be lobbyists and spokesmen for our communities and to try to get what we can do. This report seems to suggest that that is not job the job of a politician.

As I said, the report states that it is a "remarkably powerful lobby." Thank God that for a small community we had a powerful lobby.

It further states that "there is no apparent operational military mission." It is not apparent, but did anyone ask anyone? I think I know what an apparent operational military mission is. Did anyone ask? No, they did not. There may well be an apparent operational military mission. If you do not ask, you do not know. Then you come out and report and say there is no apparent military mission.

I know there is excess capacity, and so what would the committee have us do? Do they want to move more people to Fort McMurray? Are there not enough of us there already? Is that what we are supposed to do, pack up our pickup trucks and drive to Fort McMurray? You have a highly trained workforce there that can work with either the military or a private operation. That is what we plan to do.

• (1630)

The committee recommends a plan. The committee has an alternative plan. Essential to the plan could be marketing. We have done that, and financial assistance from the appropriate national regional economic body is there. It has happened; we have done it.

With respect to retraining for all the workers, you have in Goose Bay the most remarkably well-trained people, and they have been there since the Second World War. They know about aircraft and airfields, and they can do that job. They are technicians. They do not need retraining; they need some work.

The federal and provincial governments support the production of a business development plan; that is what they asked for. Well, the community has come together: unions, business, town council and chamber of commerce. There is a broad community consensus on what should be done. There is a plan going forward, working with both levels of government, but the committee did not seem to know that. Maybe the committee did not want to know it. They did not seem to know it, but it has been done.

Those are the things in the report that I object to. I certainly will not vote for this report while such references are in it, and I would ask my colleagues to do the same. If it happens to me, colleagues, it can happen to you. Each one of us in this chamber represents a part of Canada. Our job is to stand up for our parts of Canada. I am standing up for my part, and I am saying I do not agree with this report.

Some Hon. Senators: Hear, hear!

Hon. Joan Cook: Honourable senators, I move adjournment of the debate.

Hon. Lowell Murray: Honourable senators, obviously, a motion to adjourn debate is not debatable, but I rise simply to ask that someone's good offices be employed to ensure that the chair of that committee is present in the Senate when the debate is resumed.

On motion of Senator Cook, debate adjourned.

[Translation]

OFFICIAL LANGUAGES

REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Senate Committee on Official Languages (*budget—study on the application of the Official Languages Act—authorization to engage services and to travel*) presented in the Senate earlier this day.

Hon. Maria Chaput moved adoption of the report.

Motion agreed to and report adopted.

[English]

STATE OF LITERACY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Fairbairn, P.C., calling the attention of the Senate to the State of Literacy in Canada, which will give every Senator in this Chamber the opportunity to speak out on an issue in our country that is often forgotten.—(*Honourable Senator Segal*)

Hon. Sharon Carstairs: Honourable senators, I rise to speak to you about literacy and, more particularly, about adult literacy. I would ask each of you to do a self examination. How would your life be different if you could not read?

You wake up in the morning and it is late. Your alarm clock failed to go off. Why? Because you could not read the instructions as to how to set your clock. How many of you have found yourself, as have I, in a hotel room unable to figure out how the clock in the room works? You finally, in despair, call down for a wakeup call. Can you imagine the frustration of this happening every day without the advantage of having someone there to give you a wakeup call?

Your children will be late for school. You try to get dressed quickly; however, your new sweater does not fit. You have not gained weight, but you did wash it. Unfortunately, you washed it in hot water, and it has shrunk because you could not read the washing instructions.

You decide on something else to wear, and you go to the kitchen to prepare breakfast for you and your family. Although the doctor has suggested you eat more fibre, you cannot read the nutrients labels and choose Rice Krispies, which is, unfortunately, low in fibre. Your coffee is far too weak because you cannot read how many tablespoons to put in the coffeemaker. Your orange juice is too strong because you cannot read the frozen concentrate label, and it needs three cans of water and you only put in two. You are not having a great day up to this point.

However, you hope it will get better. Your children arrive for breakfast. They need permission slips signed for immunization, signed by the school nurse, and for field trips. You cannot read them, but sign them. You have learned to sign your name, one of your very few literate skills, and hope for the best.

You explain you are going grocery shopping and ask if they have any special requests. Fortunately, you have developed some memory skills and hope that you can remember these requests because you cannot write down a list, and even if you did, you could not read it. You kiss the children good-bye and depart for the grocery store, stopping by the bank on the way to get some money. You cannot go to the automated teller machine because you cannot read the instructions. You cannot fill out the withdrawal certificate because you cannot read the instructions and you cannot write.

You wait in line for a teller wondering what excuse you will use today for not being properly prepared. A favourite one is, "I do not have my glasses" — in fact, you do not wear glasses — or, "I do not have a pen." You sense that the teller knows what your real problem is, and you cannot help but blush in embarrassment. You are, unfortunately, all too used to being embarrassed.

You would like to find employment, but, to date, you have been unable to find very much. Clerking and waitressing are impossible because your numeric skills are weak. Your computer skills are non-existent. You clean other persons' homes when you can but cannot read the notes left by many clients and they become frustrated with your lack of service.

You return home and are somewhat tired because you had to carry the groceries five blocks. Although there is a family car, you cannot use it because the written part of the driver's test is beyond your ability.

In the afternoon, you walk to your children's school for a parent-teacher conference. Your youngest daughter is reading below her grade level and her teacher is concerned. The teacher has urged you to read to her at home. However, you have been unable to admit that you cannot read and have asked your partner to do it, but, unfortunately, that is very erratic because he works shift work. The news is not good. Your daughter is falling even further behind. It is time for you to make a decision. You have suffered for yourself, but now it is leading to the suffering of your child.

You explain to the teacher, after having gotten up the courage, that you cannot read and can she tell you where to go for help. The teacher is supportive, but she has bad news. In the newspaper that morning, she has read that the new government in Ottawa has just cut the funding to the local literacy project, and the project has had to cut its program in half and can no longer, for the immediate future, accept any new students.

The teacher explains that she has a volunteer parent helping in the class, and she will make sure that the volunteer reads often to your child. Some good news at least, but for your walk home, deeply disappointed, you agonize about how you are going to ultimately help your child.

Honourable senators, this and similar experiences are the daily burden of thousands of Canadians. Some are Canadian-born who have been failed by the school system; some are immigrants who are not illiterate in their first language, but they cannot read either French or English, the two official languages of this country.

• (1640)

Let me be very clear. We are not speaking of Canadians who do not have the capacity to learn. We are speaking of Canadians who have not had the opportunity to learn their way. Canada is facing the challenge of insufficiently skilled workers, but you cannot have skilled workers without literacy skills. You cannot make Canada a more productive country without literacy skills. You cannot have appropriate of health care delivery without literacy skills. You cannot have a truly just legal system without literacy skills. Honourable senators, how can we bring a greater sense of equality across this country without literacy skills?

This government has made a terrible mistake in cutting literacy programs. I can but urge them to rethink this decision, do the right thing and give these Canadians a chance to be full citizens of this great country.

On motion of Senator Jaffer, debate adjourned.

[Translation]

THE SENATE

MOTION TO URGE GOVERNMENT TO RECONSIDER DECISION TO DISCONTINUE THE COURT CHALLENGES PROGRAM—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Robichaud, P.C.:

That the Senate urge the Government of Canada to reconsider its decision to discontinue the Court Challenges Program which has enabled citizens to seek redress and assert their rights guaranteed under the Constitution and particularly the Charter of Rights and Freedoms;

That the Standing Senate Committee on Official Languages be authorized to study and report on the benefits and results that have been achieved through the Court Challenges Program;

That the Committee submit its final report no later than December 22, 2006; and

That a message be sent to the House of Commons informing it that the Senate regrets the Government's decision to terminate the Court Challenges Program and urges it to take action to persuade the Government to reconsider that decision.—(*Honourable Senator Comeau*)

Hon. Claudette Tardif: Honourable senators, like many of us here, I was shocked to learn that the federal government was suddenly abolishing the Court Challenges Program, to save \$5.6 million over a two-year period, this on the very day that the government announced a surplus of some \$13 billion.

We are not the only ones to be disappointed. The Fédération des communautés francophones et acadienne, the Fédération des juristes d'expression française de common law, the outgoing Commissioner of Official Languages and the francophone associations in every province were all disappointed and shocked to hear that this program was being discontinued. This is obvious in the numerous articles published in newspapers across the country.

I, like many, feel that the Conservative government is making a serious mistake in abolishing a program which, over the years, has helped assert the equality and linguistic rights guaranteed under the Canadian Constitution.

[English]

I believe that the existence of this program is a clear manifestation of Canada's democratic values and an important exercise of democracy. In an ideal world, it would be expected that governments would respect and promote the constitutional rights afforded to minorities.

[Translation]

As many of you know, and as Senator Joyal so eloquently and passionately stated, it has historically been very difficult for minorities, especially francophone minority communities, to assert their rights under the Canadian Constitution to their respective provincial governments.

I can think of several examples, such as the *Mahé* decision, which gave francophone parents like me, in Alberta, the right to manage their own schools. Roughly seven years passed from the time the case first went to court in Alberta until the Supreme Court of Canada handed down the final decision in 1990.

Honourable senators, do you think that the parents involved in that case would have had the money to carry on their struggle for seven years if they had not had the support of the Court Challenges Program? Without this Supreme Court decision, my own children and many others would not have been able to obtain their education in their mother tongue, in a French-language school in Alberta.

I also think of the parents in Summerside, Prince Edward Island, who won a Supreme Court judgment confirming their right to establish a French-language school in their community. The Montfort Hospital, here in the nation's capital, would not be open today if it had not been able to assert its rights in court. There are many other examples.

[English]

Contrary to what Madam Minister said on October 3, some 25 years after the adoption of the Charter, there is still much left to challenge with regards to the Charter.

Today, in Alberta, a case concerning language rights is before the courts. An individual is bringing the Government of Alberta to court. This case, which was funded by the Court Challenges Program, has significant potential to affect minority linguistic rights in the province and to afford services to francophone citizens living in Alberta.

Will these rights be further compromised by the elimination of the Court Challenges Program?

[Translation]

Twenty-five years after the Charter was adopted, the courts are still being asked to rule on issues pertaining to language rights. However, we all know that in 1982 the provinces, except for Quebec, had agreed to entrench in the Canadian Constitution the Charter of Rights and Freedoms, which recognizes the right to instruction in the language of the minority and management of its institutions across the country, among other things.

The provincial and the federal governments thus had constitutional responsibilities with respect to official language minority communities. Yet they did not honour them!

In response to the criticism, the federal government has stated that it will not adopt an unconstitutional law and that it is a matter of savings and program efficiencies.

Are the constitutional rights of official language minorities a matter of dollars and cents? Minority rights do not boil down to a mere accounting exercise. Efficiencies or savings are not the issue here.

Furthermore, since we are a federation, laws are enacted not only by the federal government but also by the provinces. Recent history has shown that it is often the provincial governments that do not live up to their constitutional commitments under the Canadian Charter of Human Rights and Freedoms.

[English]

Without financial support from the Court Challenges Program, official language minority communities in Canada would not have had any way to remind obdurate provincial governments of their constitutional obligations and responsibilities toward them. We should not forget that members of minority communities rarely have the human or financial resources of a provincial or federal government. Between an individual and a big, mighty government, do you really think that the average citizen stands a chance?

• (1650)

The Court Challenges Program was an important tool that helped to level the playing field and made it possible for official language minority communities to exercise their constitutional rights. That is why it has been so instrumental in the exercise of Canadian democracy.

Honourable senators, the strength of a democracy is reflected in the way it treats its minorities.

[Translation]

What I find even more perplexing in this decision is the conflicting message it sends. On one hand, the federal government is reminding all francophone minority communities — and I heard it again today — that it supported the amendments to the Official Languages Act made by Bill S-3. How can they rationalize these cuts?

The government tells us that it is committed to ensuring that positive steps are taken to implement its plan to promote flourishing francophone and anglophone minority communities throughout Canada and support their development.

On the other hand, by eliminating the Court Challenges Program, the government is taking away an important tool that gives francophone minority communities the ability to safeguard their rights if they are being violated. Are these communities to understand that such a decision is an example of what the government means by “positive steps”? I certainly hope not.

[English]

I truly hope that this government does not define these cuts as a definition and a reflection of what it means by a positive measure for the implementation of its commitments under the Official Languages Act.

[Translation]

Honourable senators, as the government reminds us that this program has already been eliminated in the past, it seems to overlook the fact that that Bill S-3 changed everything. For this reason, honourable senators, this matter needs to be studied objectively and in greater detail. As Senator Joyal underscored, this has already been done and I believe that we, the Senate, as protectors of minority interests, must review the matter once more to determine if the federal government has failed in its responsibilities to minorities or if it has acted reasonably.

Hon. Maria Chaput: Honourable senators, this government has made an ill-advised decision to eliminate the Court Challenges Program of Canada, a valuable tool that allowed minorities to assert their rights. Francophone minority communities are among those that made use of that program over the years. I cannot emphasize enough how invaluable this program is.

Before I deal with that issue, I must ask my honourable colleagues who are sitting here in the upper chamber, on behalf of the current government, to explain the vision of the government in power. Can it be said that the government is showing leadership when it is dismantling what was put in place for those whom our Canadian Charter of Rights and Freedoms sought to protect?

I am asking you, honourable senators on the government side. I am asking you that question and reminding you that before the general election on January 23, your leader, Prime Minister Stephen Harper, signed a solemn promise in which he recognized the important contribution made by francophone and Acadian communities to the country's development and prosperity.

“I promise”, said Mr. Harper, “to recognize the vital role that organizations and institutions play in community development and to do everything possible to invest in building their capacity. I will also work to facilitate access to federal government services and programs, keeping in mind the specific realities of those communities”.

What a gap between that solemn promise and the recent decision! Moreover, Part VII of the Official Languages Act sets out the government's responsibility with respect to consultation. The government must ensure public consultation in the development of policies and review of programs relating to the advancement and the equality of status and use of English and French in Canadian society. The minority francophone communities were not consulted! Who is reminding the Prime Minister about his election promises? Who is advising him about his obligations?

The Court Challenges Program was created in 1978 by the federal government of the day to fund lawsuits challenging the constitutionality of Quebec's newly adopted Charter of the French Language. The justice department also used the program to fund the *Forest* case in Manitoba. I would remind honourable

senators that the *Forest* case had a significant, positive impact on Manitoba, because it re-established French as an official language in that province.

When the Canadian Charter of Rights and Freedoms took effect in 1982, the program's mandate was expanded to fund cases based on the Charter's language provisions (sections 16 to 23). The program's mandate broadened further in 1985 to include equality rights with respect to federal government acts, regulations, directives and policies.

The Court Challenges Program, the only program of its kind in the world, is designed to support Charter equality rights cases.

Over the years, the program has supported an impressive number of cases in court. One of the best-known involving language rights was the *Forest* case.

Thanks to this Saint-Boniface businessman, who contested the legality of suppressing the official status of the French language in Manitoba, and to the support he received from the Court Challenges Program, among others, the Supreme Court of Canada declared Manitoba's Official Language Act of 1890 unconstitutional, which was a historic decision for my province's francophone community. Need I remind you that the Province of Manitoba was operating illegally for 90 years before our rights were reinstated?

There have been many similar cases, cases that have had a major impact on the development and the vitality of francophone minority communities in Canada — cases, may I remind you, that were brought by francophones against mean-spirited government legislation.

It should come as no surprise that I cannot remain indifferent with respect to the termination of the Court Challenges Program. This program ensured recognition of my fundamental rights in Manitoba, rights that were trampled for far too long, rights that I did not have as a young student. My daughters have benefited from it, and my granddaughters to an even greater extent.

[English]

I want to tell you my story, and I am going to do so in English because I want all of you to hear my voice and not that of an interpreter.

I come from a small rural francophone community. Values were transmitted to me through many generations; values founded on being proud of what you are and where you come from, and on having faith in the people around you. I grew up in a typical francophone family of that period, the eldest of eleven children. In my early years, I attended school in convent run by the Grey Nuns in a French-speaking community called Sainte-Anne-des-Chênes in southeast Manitoba. Those were the years when learning in French in Manitoba schools was forbidden by law. We had to hide our French books when the provincial inspector was in the neighbourhood.

We were all French-speaking, and so were our teachers. We were taught in French every day except on the days when the school inspector was visiting. On that day, we had to put our French books away and bring our English books out.

• (1700)

As a young mother — I have three daughters and four granddaughters — I remember once taking my daughters to a movie in Winnipeg. It would have been in the late 1960s. Seated in the theatre and waiting for the movie to start, we quite naturally spoke French among ourselves; that was our first language. A middle-aged couple in front of us turned around and told us to "speak White."

You spoke French in Winnipeg in those years and people would turn to stare and object. You wrote a cheque in French at that time in the Hudson's Bay store and they would give you a hard time.

As a mother, I fought to have French schools in Manitoba and a French-language school division for my children and grandchildren. Our access to French as a language of instruction depended on a classroom-by-classroom opting-in formula. We needed 28 students at the elementary level and 23 in high school. Along with other parents, after our day's work we undertook door-to-door canvassing in order to get the signatures of 28 parents for the elementary classes. You must understand that we French-speaking parents had English-speaking neighbours and friends, but we wanted to keep our language and have our own schools for our children. Those were very difficult years, and today I am under the impression that we could still have very difficult years ahead of us.

I will never forget the following quote heard a long time ago: "A person who has accepted crumbs for 89 years, and mutters when he doesn't get more, will have far less respect than one who insists on a full-course meal." I never forgot those words. In plain language this meant: Take your place and claim what is rightly yours.

[Translation]

Honourable senators, when a government decides to abolish a program or service, it must first assess the impact on the citizens and communities targeted. In the case of the Court Challenges Program, I find it hard to believe that the government researched the potential impact of abolishing this program.

Many have protested the elimination of this program, with the Canadian Bar Association and the Premier of Newfoundland and Labrador, the Hon. Danny Williams, at the top of this list. This week, Luc Desjardins of *L'Acadie Nouvelle*, insisted that, and I quote:

...it is vital for official language minorities to have access to the courts to force governments to implement the measures necessary to bring about true equality.

Also this week, our former colleague, the Honourable Jean-Robert Gauthier, urged his fellow citizens and anyone with their heart in the right place to file a complaint with the Commissioner of Official Languages and federal parliamentarians denouncing the elimination of the program.

We can already imagine the consequences of this inopportune action for Canadians. But surely Canadians will not give up: it is not in their nature!

Honourable senators, I will conclude by urging you to do all that you can to pressure the Harper government into reinstating this program as quickly as possible to affirm, once and for all, the supremacy of the Canadian Charter of Rights and Freedoms and the importance of the means available to our citizens to defend these rights and liberties before our courts.

The situation is serious when the means needed by Canadians to defend their rights are cut. The Court Challenges Program of Canada is an essential program.

On motion of Senator Comeau, debate adjourned.

[English]

CANADA'S COMMITMENT TO DARFUR, SUDAN

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Dallaire calling the attention of the Senate to the situation in the Darfur region of Sudan and the importance of Canada's commitment to the people of this war-torn country.—(*Honourable Senator Fraser*)

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, we are all aware of the enormous contribution that Senator Dallaire has made to raising public awareness in Canada of the terrible, tragic situation in Darfur.

It is almost beyond belief that we should, again, be seeing what has, so far as I can see, rightly been called a genocide and that, once again, we should be saying that there is nothing much that we can do.

I am not an expert on this matter — others in this chamber are — but I did want to place on the record my support for Senator Dallaire's work in this matter.

On motion of Senator Jaffer, debate adjourned.

THE HONOURABLE MICHAEL KIRBY

INQUIRY—DEBATE ADJOURNED

Hon. Joan Fraser (Deputy Leader of the Opposition) pursuant to notice of October 5, 2006, moved:

That the attention of the Senate be called to the contributions to the Senate of the Honourable Senator Kirby, who will resign October 31, 2006.

She said: Honourable senators, when I came here, Michael Kirby was already a legend a couple of times over at least. He had become a legend in Nova Scotia, as we heard earlier today, and then had become a legend in federal-provincial affairs. Those of us who were news junkies will remember the deathless phrase, "the Kirby Memo."

One of the things about coming to this extraordinary place is to realize that one is privileged to sit among colleagues of such an incredible breadth and range of experience, wisdom and skill.

I had not really thought about it, but when I realized that Michael Kirby was one of them, I felt truly daunted.

• (1710)

Of course, Senator Kirby just went on acquiring legends. His work as chair, in particular, of the Social Affairs Committee is a monument, one of the great achievements of the Senate, one of the great contributions to public policy debate in this country, and one of the great contributions to explaining and demonstrating to the Canadians why a Senate is useful. He did not preach about a useful Senate; he just went out and made it clear that this body is useful, with his unique intelligence, passion and drive.

Another quality of his that many of us will long remember, even though it is not legendary outside these walls, is the extraordinary degree of trust, friendship, dedication and passion that he inspired among his colleagues on his committees. I am looking at Senator Keon, who is perhaps, being legendary himself, the most illustrious example, but I cannot tell you how many times, when I heard a senator grumbling about something or other that happened, that the end of the discussion would be: Well, so-and-so — sometimes it would be me — does not chair a committee like Senator Kirby. Those of us who chaired other committees had reason to feel that perhaps an impossibly high standard was being set for the rest of us to attain.

I never had the pleasure to work on one of Senator Kirby's committees; I only had the opportunity to look at the output. However, listening to those who worked with him and looking at the output made one realize what a truly efficient and extraordinary human being he is. He is a renaissance man in many ways and will be a great loss to this chamber.

I hope it is true, as so many of those who paid tribute to him earlier this afternoon suggested, that Senator Kirby's departure from this place will not be a loss to the public policy scene in Canada and that he will be able to continue contributing there, if not here, because it is quite obvious that not only has this man given much to Canada but that much remains for him to give. I wish him well in the years to come.

Hon. Sharon Carstairs: Honourable senators, along with Senator Cowan, I knew Mike when we was just a young'un. I went to university with him. He really should have been a geek, a nerd. After all, we were studying political science and subjects that made sense. He was studying mathematics, and he should have been walking around looking like a geek, but he was not. He was, along with Denis Stairs, the co-editor of *The Dalhousie Gazette*, the student newspaper. I was somewhat amused at his comments this afternoon. They were heartfelt and I agreed with all of them, but he portrayed himself this afternoon as somewhat of a non-partisan.

I want to recall — and I think Senator Cowan will remember this — a certain very partisan activity on the part of Senator Kirby and Dr. Denis Stairs. The Right Honourable John Diefenbaker came to speak at Dalhousie University, in room 21 of the Arts Building. I must say that he did not make a correct judgment in the audience that he was speaking to, and so he said an awful lot of warm, fuzzy things but nothing of a great deal of substance. Senator Kirby and Dr. Stairs decided to prepare a front-page story of the visit of the Right Honourable John

Diefenbaker. They developed a column in which they said, "The Right Honourable John G. Diefenbaker appeared at Dalhousie University last week and this is what he had to say," and they left a completely blank column.

Senator LeBreton: Typical, typical. Rudeness!

Senator Carstairs: When I later in that year, along with Reid Morden — whom some of you on the other side will know well, who was also a classmate — had to make a presentation to Mr. Diefenbaker on the funding of post-secondary education in which Nova Scotians were arguing that we should be funded on a per capita attendance base at university and not on a per capita number of people living in the province, Mr. Diefenbaker did not greet us with the most warm reception in that we were from Dalhousie University. I think it is fair to say that Michael Kirby was also a bit of a man about campus at that time.

While we have all watched with great interest and have great appreciation of Senator Kirby's achievements, I thought I should share a few of these remarks with you this afternoon, to let you know that he is altogether human, just like the rest of us.

On motion of Senator Trenholme Counsell, debate adjourned.

STUDY ON ISSUES RELATING TO NEW AND EVOLVING POLICY FRAMEWORK FOR MANAGING FISHERIES AND OCEANS

MOTION TO ADOPT FISHERIES AND OCEANS COMMITTEE'S INTERIM (SECOND) REPORT AND REQUEST FOR GOVERNMENT RESPONSE ADOPTED

Hon. Bill Rompkey, pursuant to notice of September 26, 2006, moved:

That, the second report of the Standing Senate Committee on Fisheries and Oceans, tabled in the Senate on June 22, 2006, be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the Government, with the Minister of Fisheries and Oceans and the President of the Treasury Board being identified as Ministers responsible for responding to the report.

He said: Honourable senators, I do not think I need to make too many comments. This is a pro forma motion. We are asking the government for a response, which we do from time to time. This is our first report on crab, and we need responses on scientific exploration and on rationalizing the catch capacity. There are a number of things that we would like the government to tell us about their plan for the future.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

SCRUTINY OF REGULATIONS

COMMITTEE AUTHORIZED TO PERMIT ELECTRONIC COVERAGE

Hon. Gerard J. Comeau (Deputy Leader of the Government), for Senator Eyton, pursuant to notice of October 3, 2006, moved:

That the Standing Joint Committee for the Scrutiny of Regulations be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, we are all in favour of letting Canadians know about the good work of the Senate. I realize that this particular committee does important work. However, is there a particular reason for this motion? Is there something particularly, dare I say, sexy coming before this committee, rather than its usual dry study of regulations, to make us think that television is merited, after all these years in worthy obscurity?

• (1720)

Senator Rompkey: Do they have a sponsor?

Senator Comeau: The word "scrutiny" means "throw some light." Shine a bright light on this very exciting and often quite overlooked, hard-working committee. It is about time that we did bring in media coverage to see just how exciting it can be when people pour over regulations for hours.

Senator Rompkey: It is like watching paint dry!

Senator Comeau: One of my colleagues from British Columbia says it is sexy, and I agree with him.

Senator Campbell: Life is quiet.

Senator Comeau: I agree with the honourable senator from British Columbia that we should show Canadians how important this committee can be. It is one of the committees I wanted to sit on for a long time, but I could not because so many people were waiting in line to become members.

Having said that, I do hope that honourable senators adopt this motion.

Senator Fraser: I think there are probably no budgetary implications, so I shall not object. When I used the phrase "worthy obscurity" a moment ago, I did not mean deserved obscurity. I did mean "worthy." The committee has been doing wonderful work for many years.

Hon. Serge Joyal: I do not want to repeat the words of Senator Fraser. I join with Senator Comeau on this. This is Benedictine work. Sometimes the regulations are very important — more important than the enabling legislation.

Senator Prud'homme: Absolutely.

Senator Joyal: My colleague Senator Nolin and I worked on the Standing Senate Committee on Legal and Constitutional Affairs for many years, and I remember the legislation we were discussing where what was trusted in the regulations was more important than what was contained in the legislation. If this committee is

faced with regulations that have substantial importance for the implementation of a bill or act, or if they are reviewing legislation that calls upon consultation of various group and is of general interest to Canadians, I enthusiastically support the request. However, we do not know exactly what it is. I do not want to create the impression that the Benedictine work that I have been alluding to is the subject of the committee that is requesting the broadcasting.

Senator Comeau: As far as I know, there is no specific regulation under which they wish to have the committee televised. The fact is that this is one of those motions that are dealt with as routine business in case they need to bring in the television cameras.

I agree entirely with Senator Joyal that this is one of our hard-working committees. It is probably one of our most important, and one that we sometimes tend to neglect. We should actually know more about it. I followed some of the work the committee did on fisheries issues. Senator Joyal used the word "Benedictine," and it is. I was absolutely amazed with the depth they went into on some fishing issues that dealt with West Coast salmon. They were very difficult issues.

Getting back to whether or not it is for a particular reason, no, I do not think it is. It is strictly a routine request.

[Translation]

Hon. Marcel Prud'homme: Honourable senators, I entirely agree with adopting this motion. From what I know about Senator Eyton, to watch him in the Senate, if such a senator thinks it a good idea to seek leave to permit electronic coverage of committee deliberations, then he must have good reason and we should adopt this motion.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

ANTI-TERRORISM ACT

COMMITTEE AUTHORIZED TO MEET ON MONDAYS

Hon. Pierre Claude Nolin, for Senator Smith, pursuant to notice of October 3, 2006, moved:

That the Special Senate Committee on the Anti-terrorism Act be empowered, in accordance with rule 95(3), to meet on any Monday which immediately precedes a Tuesday when the Senate is scheduled to sit even though the Senate may then be adjourned for a period exceeding one week.

He said: Honourable senators, in order that all senators understand the purpose of this motion, it is to authorize us to sit on Mondays when we would normally be authorized to sit if the Senate were sitting the following day. However, if for any reason the Senate were not sitting on a Tuesday, we want

authorization to sit on the Monday. We have a report to prepare in short order and time goes by so quickly we would like to have the latitude to sit on Mondays. That is why we are seeking this authorization.

[English]

Hon. Sharon Carstairs: I will certainly support the motion, honourable senators. However, a number of committees now sit on Mondays. It is time for the leadership to come forward with a general motion that if committees are sitting in their normal time slot on a Monday but they are not allowed to sit during a sitting week, then we should make that part of our regular procedure.

Hon. Gerald J. Comeau (Deputy Leader of the Government): You are a number of weeks late senator. That has been done for the Standing Senate Committee on Official Languages, the Standing Senate Committee on National Security and Defence and the Standing Senate Committee on Human Rights. There is now a house order for all of them. This special committee is temporary and will be wrapping up its work, so it was not placed with the other committees.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

ADJOURNMENT

Leave having been given to revert to Government Notices of Motions:

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, before I go on to the adjournment motion, I should like to note that there had been a number of issues to be resolved regarding the Standing Senate Committee on Legal and Constitutional Affairs meeting times. These issues, to my understanding, have been resolved between myself and the Deputy Leader of the Opposition, with the concurrence of our respective leaders and in consultation with members of the committee. With that in mind, the committee will be meeting for extended hours on October 18, 19, 25 and 26.

Having said that, with leave of the Senate and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, October 17, 2006, at 2 p.m.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, October 17, 2006, at 2 p.m.

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 39th Parliament)

Thursday, October 5, 2006

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Hazardous Materials Information Review Act	06/04/25	06/05/04	Social Affairs, Science and Technology	06/05/18	0	06/05/30		
S-3	An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act	06/04/25	06/06/22	Legal and Constitutional Affairs					
S-4	An Act to amend the Constitution Act, 1867 (Senate tenure)	06/05/30		subject-matter 06/06/28 Special Committee on Senate Reform					
S-5	An Act to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	06/10/03							

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-2	An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability	06/06/22	06/06/27	Legal and Constitutional Affairs					
C-3	An Act respecting international bridges and tunnels and making a consequential amendment to another Act	06/06/22							
C-4	An Act to amend the Canada Elections Act and the Income Tax Act	06/05/02	06/05/03	Legal and Constitutional Affairs	06/05/04	0	06/05/09	06/05/11	1/06
C-5	An Act respecting the establishment of the Public Health Agency of Canada and amending certain Acts	06/06/20	06/09/28	Social Affairs, Science and Technology					

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-8	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 (<i>Appropriation Act No. I, 2006-2007</i>)	06/05/04	06/05/09	—	—	—	06/05/10	06/05/11	2/06
C-13	An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/06/06	06/06/13	National Finance	06/06/20	0	06/06/22	06/06/22*	4/06
C-15	An Act to amend the Agricultural Marketing Programs Act	06/06/06	06/06/13	Agriculture and Forestry	06/06/15	0	06/06/20	06/06/22*	3/06

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-201	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette)	06/04/05	06/06/22	National Finance	06/10/03	1			
S-202	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	06/04/05	06/05/31	Legal and Constitutional Affairs	06/06/15	1	06/06/22		
S-203	An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe)	06/04/05	Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08						
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	06/04/05							
S-205	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	06/04/05							
S-206	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	06/04/05							
S-207	An Act to amend the Criminal Code (protection of children) (Sen. Hervieux-Payette, P.C.)	06/04/05							
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	06/04/06							
S-209	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	06/04/25							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-210	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	06/04/25							
S-211	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	06/04/25	06/05/10	Social Affairs, Science and Technology	06/06/13	0			
S-212	An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.)	06/04/26	Bill withdrawn pursuant to Speaker's Ruling 06/05/11						
S-213	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	06/04/26	06/09/26	Legal and Constitutional Affairs					
S-214	An Act respecting a National Blood Donor Week (Sen. Mercer)	06/05/17	06/10/03	Social Affairs, Science and Technology					
S-215	An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.)	06/05/17							
S-216	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	06/05/30							
S-217	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	06/05/30							
S-218	An Act to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism) (Sen. Tkachuk)	06/06/15							
S-219	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	06/06/27							
S-220	An Act to protect heritage lighthouses (Sen. Carney, P.C.)	06/10/03							

PRIVATE BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-1001	An Act respecting Scouts Canada (Sen. Di Nino)	06/06/27							

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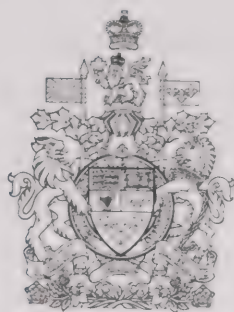
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OFFICIAL REPORT
(HANSARD)

Tuesday, October 17, 2006

—

THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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THE SENATE

Tuesday, October 17, 2006

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

[Translation]

AFGHANISTAN—FALLEN SOLDIERS

The Hon. the Speaker: Honourable senators, before we proceed, I would invite senators to rise and observe one minute of silence in memory of Trooper Mark Andrew Wilson, Sergeant Darcy Tedford and Private Blake Williamson, whose tragic deaths occurred on October 7 and 14 while serving their country in Afghanistan.

Honourable senators then stood in silent tribute.

[English]

SENATORS' STATEMENTS

FOSTER FAMILY WEEK

Hon. Catherine S. Callbeck: Honourable senators, one of the most basic needs of any child is to live in a home surrounded by people who can provide love and protection. Unfortunately, there are many children in our society who, for one reason or another, cannot remain in their own homes, who need the care and support of others. Today, I want to recognize the exceptional contributions made to our society by a group of people who have made a commitment to provide a safe and loving environment for those children. These special people are foster families.

Across the country, this week has been set aside to commemorate and celebrate the 35,000 dedicated and compassionate foster parents who provide a safe, secure and loving environment for more than 70,000 children and youth.

In my home province of Prince Edward Island, approximately 110 foster families provide stable and caring surroundings for over 250 children and youth who need their assistance.

Foster families provide a critical service to our society in so many ways. Whether children need foster care for a few days, for several weeks, or possibly for years, it is foster families who provide a home where children can experience a stable and caring environment that supports and encourages their growth and development. Foster families have one thing in common — a sincere interest in the well-being of children and a sense of social responsibility for their best interests.

Canadian foster families, through their sacrifices and selflessness, perform a truly invaluable service through the care

and support of our most vulnerable children. Honourable senators, I hope you will join with me in recognizing our foster families for their kindness, their generosity and their capacity to care.

INTERNATIONAL DAY FOR THE ERADICATION OF POVERTY

Hon. Nancy Ruth: Honourable senators, today is the International Day for the Eradication of Poverty. Part of me thinks it is ridiculous that I am here talking about poverty, in this chamber, for we senators are salaried, pensioned, privileged, predominantly male and predominantly White. In some sense, we have little to do with poverty, except for the fact that we are human beings connected to everyone, everywhere. We are connected to the poor and the suffering, be they in Darfur, North Korea, here on reserves or on farms, in our cities or on the Hill.

I have a toonie in my hand and two and a half billion people in the world live on less than a toonie a day. One third of humanity lives on less than a toonie. Of the world's one billion poorest people, three fifths are women and girls.

What we do here on any given day can make poverty worse or it can make poverty better.

Canadian women are especially vulnerable. Nearly 45 per cent of single mothers and their kids live below the poverty line; nearly the same percentage as single, divorced or widowed women are poor; and women with kids make up 83 per cent of Canada's minimum-wage workers who earn wages below the poverty line. That is who we are talking to when we go to Tim Hortons or McDonald's. It is funny how companies like that all have male names. I suspect that reflects both the capacity of women to raise capital and the lack of early childhood education.

In our country there is no living wage and no guaranteed annual income. Perhaps we senators should think about pushing for a living wage for workers and a guaranteed annual income for the poor.

EMERGENCY NURSES WEEK

Hon. Elizabeth Hubley: Honourable senators, Canada's health care system is overstressed and not without its problems, yet it remains the envy of much of the developed world. At the heart of this system are thousands of professional nurses, whose medical knowledge, expertise and dedication to patient care makes hospitals run as they should.

One of the most demanding jobs is that of the emergency nurse, working on the front line, dealing with every unexpected and sometimes tragic case that comes through the door — sick infants, heart and stroke victims, and people with major trauma from highway and other accidents.

The emergency nurse, honourable senators, is a special breed. To use the colloquial expression, they have seen it all. October 9 to 13 was National Emergency Nurses Week.

• (1410)

The National Emergency Nurses Affiliation — NENA — awards emergency nurses throughout Canada who have demonstrated excellence in their field of practice. In that regard, I am proud to inform you that a Prince Edward Islander, Ms. Edwina Campbell of Charlottetown, has been named the sole recipient of the NENA Award of Excellence in Emergency Nursing Practice for 2006.

The criteria for that award are demanding. Candidates are required to excel in nursing knowledge, in clinical decision making, in professional accountability and responsibility and in application of research and must possess superior interpersonal relationship and communications skills.

Those who know Edwina Campbell personally describe her as tough-minded, always positive, and a fearless patient advocate whose kindness and compassion is always at the forefront.

This outstanding professional, whose mother was an emergency nurse and whose two sisters are also nurses, is the first emergency nurse from my province to be honoured in such a fashion.

Honourable senators, I know you will join with me in congratulating Edwina Campbell on having received this prestigious award.

ASIA-PACIFIC GATEWAY AND CORRIDOR INITIATIVE

Hon. Gerry St. Germain: Honourable senators, I rise today to commend Prime Minister Stephen Harper and Canada's new government for efforts taken to build Canada's Asia-Pacific Gateway.

Last Wednesday, in Vancouver, Prime Minister Harper was joined by B.C. Premier Gordon Campbell, ministers Lawrence Cannon and David Emerson, representatives of all four Western provinces and Captain Gordon Houston, President and CEO of the Port of Vancouver, in announcing that the Government of Canada is moving ahead immediately with the Asia-Pacific Gateway and Corridor Initiative. Together with these stakeholders in the private sector, Canada's new government is taking action to launch 12 separate infrastructure, transportation, technology and border security projects.

These projects span the length and breadth of the gateway with five key areas of investment focus: First, all of the large commercial ports will see major expansion and improvement; second, bridges and roads linking the ports to the national and trans-national highway systems will be built or upgraded; third, there will be further twinning of the Trans-Canada Highway in Banff National Park; fourth, a new container security screening facility will be installed at the Port of Prince Rupert; and finally, a high-tech traffic management system will be developed for the Lower Mainland that will move containers in and out of port terminals faster and more efficiently.

[Senator Hubley]

Canada's new government has committed \$591 million to these projects, while the private sector has committed \$3 billion to gateway- and corridor-related capital investment between 2004 and 2010.

Honourable senators, as a result of these efforts, Canada's share of West Coast container traffic is expected to rise from 9 per cent to 14 per cent by 2020. Improving our international transportation and trade links will lead to more business opportunities and jobs for British Columbians and all Canadians. It will also help us reclaim Canada's role as a serious competitor and entrepreneurial leader in the world.

THE HONOURABLE WILFRED P. MOORE

CONGRATULATIONS ON RECOGNITION
BY ROTARY CLUB OF LUNENBURG, NOVA SCOTIA

Hon. Gerard A. Phalen: Honourable senators, it is with great pleasure that I rise today to congratulate my friend and seatmate and our colleague, Senator Wilfred Moore, on being recognized by the Rotary Club of Lunenburg, Nova Scotia, this past weekend.

Senator Moore was recognized, by way of a roast, for his many years of caring and his contribution to the community of Lunenburg. Although I understand that fun was poked at my friend, for everything from the time it took to complete law school to his performance as a lawyer and, of course, his appointment to the Senate, the capacity crowd acknowledged Senator Moore's tireless efforts in his community.

Senator Moore was recognized for his years chairing the *Bluenose II* Preservation Trust, a group of volunteers charged with restoring and maintaining the province's sailing ambassador. I know about the countless hours Senator Moore has worked on behalf of that trust. I have had the pleasure of touring the *Bluenose II* and highly recommend you take the opportunity to see this piece of Canadian history.

Senator Moore was also recognized for his work on the restoration of the historic St. John's Anglican Church in Lunenburg, as well as the town's harbour cleanup project. Senator Moore's work on behalf of the Nova Scotia College of Art and Design's studio project was also recognized. That project was conceived by Senator Moore and offers a Lunenburg work placement and residence to two of the college's graduate students every year.

• (1415)

Honourable senators, I join with the people of Lunenburg in thanking Senator Moore. I think Chief Justice Joseph Kennedy, who hosted the evening, said it best:

It's nice to have an opportunity to say things about a guy I think very highly of. People say things privately, but it's nice to publicly acknowledge him.

Honourable senators, please join with me in congratulating Senator Moore on the recognition he received and for the work he has done on behalf of the Town of Lunenburg and the Province of Nova Scotia.

CANADA-UNITED STATES TRADE AGREEMENT

SUGAR BEET INDUSTRY

Hon. Joyce Fairbairn: Honourable senators, last week, in Lethbridge, I had the pleasure of a visit from my colleagues Senator Hays and Senator Banks. Our purpose was to join in the annual celebration of the sugar beet harvest in Southwestern Alberta. This is an industry that has been centred in that corner of Canada for the better part of the last century. It is something we count on and very often take for granted.

Our visit came at a time which is usually one of great spirits after a good harvest. However, those spirits were lowered by the news that the vigorous American sugar lobby has focused its sights on Southern Alberta and is in the process of trying to force the United States Department of Agriculture to change trade rules that would significantly reduce exports of sugar beet thick juice from Canada. This juice is an integral part of the production process for beet sugar and currently enters the U.S. duty free.

Last year Canada's exports of beet thick juice was evaluated at \$12.5 million U.S., and this new proposal would significantly reduce or eliminate Canadian sugar exports.

Today's news, in a smaller way, strikes a memory of the BSE crisis that crippled our cattle industry, which only now is being restored and is back in business. If the American administration cannot be persuaded that this, too, is a serious challenge to another part of our agriculture industry, we might well witness the end of one of our oldest and continuous industries.

Some senators may remember the battle that took place in this chamber back in the 1980s. On that occasion, it happened when a support system that had been put in place by Prime Minister John Diefenbaker was dropped without notice to the beet farmers. For the first time in anyone's memory, a crop was not planted. There was no harvest. The towns of Taber, Picture Butte and the surrounding area, including Lethbridge, were devastated.

As a new senator, it was my first cause. Every day I was begging government leader Duff Roblin, a wonderful man, to persuade his colleagues to get the industry back. Nothing happened. Citizens, whose whole lives and the lives of their families came to a stop, were forced to turn away from the job and become promoters, public relations advocates, lobbyists standing in front of the House of Commons, begging for help. It was the last thing they ever imagined they would have to do in their lives as productive farmers. By the time their industry was restored to them, some of them were suffering from health problems and others just quietly left the land.

However, the foundation was there and the families now continue to prosper. Their commitment is deep and valuable. As I speak, members of the beet growers industry are in town today bringing their cause to the government. My colleague from Lethbridge, MP Rick Casson, and I were hoping to meet with Minister Emerson. I profoundly hope that parliamentarians from all parties in every part of Canada will join together to help these farmers and our federal government in expressing, in the strongest possible terms, the necessity of maintaining a current trade agreement with the United States government on this industry

that is so important to our farmers and the sugar industry they support.

ROUTINE PROCEEDINGS

STUDY ON NATIONAL SECURITY POLICY

TABLING OF DOCUMENTS

Hon. Colin Kenny: Honourable senators, pursuant to rule 28(4) and with leave of the Senate, I would like to table correspondence between Senator Rompkey and myself with respect to CFB Goose Bay.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

• (1420)

[Translation]

LEGAL AND CONSTITUTIONAL AFFAIRS

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO MEET DURING SITTING OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That the Standing Senate Committee on Legal and Constitutional Affairs have the power to sit on Thursday, October 19, 2006, Tuesday, October 24, 2006 and Wednesday, October 25, 2006 even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

[English]

QUESTION PERIOD

FINANCE

FEDERAL-PROVINCIAL FISCAL ARRANGEMENTS

Hon. Daniel Hays (Leader of the Opposition): My question is for the Leader of the Government in the Senate. Budget 2006 promised to restore fiscal balance in Canada. Since that budget was brought down, much has transpired on the matter but there is one constant: The Premier of Newfoundland and the Premier of Saskatchewan hold a position that does not square with what they are hearing from the government. The same can be said of the Premier of Quebec and the Premier of Ontario, as well as other premiers. However, those four premiers in particular have expectations arising out of both the budget provision that I quoted as well as the provisions in the election platform of the Conservative Party leading up to the election last January 23.

My question to the Leader of the Government is: Can she share with us the process by which these differences are to be resolved and the timing of that process in terms of when these premiers and all Canadians can expect a satisfactory answer to this important question of fiscal imbalance?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question, but I am unable to give him a specific timeline on the process. Honourable senators are aware that the Prime Minister and members of his cabinet, in particular Minister Flaherty, have publicly stated that the government is continuing its consultations with the provinces and the territories to bring forward proposals to restore fiscal balance in the coming months. I am certain that honourable senators would not want me to speculate, and nor would I speculate, on news stories resulting from the viewpoint of one premier or another on the deliberations to date. It was obvious at the last meeting of all the premiers that they held many differences of opinion on the issues.

I will answer the question simply by stating that this government is committed to restoring fiscal balance in Canada and will make its best efforts to reach a consensus as soon as possible.

• (1425)

Senator Hays: I thank the minister for her comment, since it really was not an answer.

I gather that the Minister of Finance has indicated that this is a matter that will be addressed in a concrete way in the 2007 budget. This is not a satisfactory situation when Budget 2006 indicates that it is something that will be done. I think it is a fair assumption on the part of all Canadians that it will be done within the context of Budget 2006 and not the 2007 budget.

Am I correct in understanding that when the Minister of Finance holds forth the 2007 budget as the time for a solution that that is not so and that we can expect something much sooner than that?

Senator LeBreton: I thank the honourable senator for his question. I have not seen the comment of Minister Flaherty to which the honourable senator has alluded.

However, suffice to say that, as the honourable senator knows, the government has received several reports on this issue, the last one being the O'Brien report. The Minister of Finance primarily, along with the Minister of Intergovernmental Affairs, Minister Chong, have been meeting with the provinces and territories. I think the reference to the 2007 budget was not specifically related to the fiscal balance issue. However, I will have to check that.

My understanding is that both Ministers Chong and Flaherty are in active and fruitful discussions with their counterparts. I am quite certain they are working diligently to resolve the issue of fiscal balance.

Senator Hays: Honourable senators, in the absence of something more concrete, we, unfortunately, have to rely on what we read, what the media say and what the Prime Minister, premiers and others are quoted as saying.

The minister and I last had an exchange on this subject on June 6 of this year. We talked specifically about the O'Brien report and the issue of the calculation of equalization and the use of resource revenues in that calculation or formula. At that time the Leader of the Government indicated:

The Prime Minister and the government do not intend to alter the offshore agreements that were reached in 2005 with Nova Scotia and Newfoundland and Labrador.

That is not Saskatchewan's issue, but it is certainly the issue in Newfoundland.

Media reports indicate that there may be some question about that. Can the minister elaborate?

Senator LeBreton: Unfortunately, honourable senators, I cannot elaborate, other than to report that we take the issue of fiscal balance very seriously. Obviously, some provinces have interests that others do not. That is the nature of our federation.

I simply repeat what I said last June: The Prime Minister and members of our government are well aware of the commitments we made during the election campaign. Thus far the record has shown that we live up to our commitments.

Hon. Bill Rompkey: Honourable senators, my question is directed to the Leader of the Government in the Senate and follows up on the same line of questioning.

I want to refer the Leader of the Government not to a news report or to speculation but to an actual letter that was signed by the Prime Minister's own hand during the last election campaign. It is not speculation. We have seen it as, indeed, has Premier Williams.

When the Prime Minister was in Newfoundland last weekend for the annual meeting of the Progressive Conservatives of Newfoundland and Labrador, they had a discussion. Premier Williams asked him three times — I believe that is what Premier Williams said, and I have no reason to doubt his word — whether the Prime Minister would live up to the commitment he had given in writing, signed by his own hand, during the election campaign.

According to Premier Williams, the Prime Minister's reply to Premier Williams was that he had not made up his mind.

The Prime Minister had made up his mind during the campaign but this past weekend he said he had not made up his mind. I know the Prime Minister wants to live up to his campaign promises, as the minister has just said, and I know how serious he is about that.

• (1430)

Therefore my question is: When will the Prime Minister live up to the campaign commitment that he made in writing that Newfoundland and Labrador would not lose equalization?

Senator LeBreton: I thank the honourable senator for the question. Yes, in fact the Prime Minister was in Newfoundland and Labrador on the weekend attending the annual meeting of the Progressive Conservative Party of Newfoundland and Labrador. He spoke to the delegates at the meeting. It was a very positive meeting. He was very well received. He had a private

meeting with Premier Williams. It was a very good meeting as far as I can understand, although once the Prime Minister left Newfoundland and Labrador, Premier Williams decided in his own way to discuss what went on in a private meeting. I was not at the private meeting, so I will not say what I think happened. I do not know about the specific letter. We are only relying on news reports of what Premier Williams said.

I was not at the meeting and I can say that the Prime Minister has indicated that the issue of fiscal balance will be dealt with fairly with all provinces and territories. I am sure the Prime Minister will do so in his own good time as he has done on other issues.

Senator Rompkey: We will wait and see what good time brings forth and we will be watching very closely to see that campaign commitments are kept.

I might just say though that I do not think anyone should doubt the veracity of what Premier Williams says. He has, after all, over 70 per cent support in the province. I doubt that anyone can match that across the country, so he is a man who speaks for his people and I might say speaks very well.

NATURAL RESOURCES

PROPOSED FALLOW FIELD LEGISLATION

Hon. Bill Rompkey: On another issue that Premier Williams has spoken about, I want to ask the Leader of the Government in the Senate about the development of fallow field oil reserves. As the minister will know, we have to depend on oil at the moment. Fish have disappeared, mills are closing, mines are at their limit and unfortunately, or fortunately, our economy is driven by oil.

Companies want to sit on the oil because it is not in their best interests to develop it right away, but it is in the interests of the people of Newfoundland and Labrador to develop that oil and to get the jobs that that oil will bring. We cannot control that. The courts have ruled that the offshore is a federal responsibility. Without the support of the Prime Minister, we cannot move on fallow field legislation.

In the interests of jobs, in the interests of the economy, in the interests of the people of Newfoundland and Labrador, when will the Prime Minister move on urging companies and putting in place the legislation that will force companies to develop fallow field oil?

Hon. Marjory LeBreton (Leader of the Government): The whole issue of the oil companies and the development of fallow field reserves in Newfoundland and Labrador is a very complex one. I am not an expert on the complexities of the oil industry, so I will simply take that question as notice.

NATIONAL DEFENCE INTERNATIONAL COOPERATION

AFGHANISTAN— CIDA PROJECT FUNDING AND DELIVERY

Hon. Roméo Antonius Dallaire: Honourable senators, this question is for the Minister of International Cooperation, who has responsibility for the Canadian International Development Agency, and the Minister of National Defence.

In Rwanda, we received no development funds in order to conduct the demobilization and reintegration of the forces and that directly undermined the peace process. In the former Yugoslavia, with the Dayton accords, although the troops were on the ground for over a year with a secure environment, the development monies never appeared, nor the personnel. With frustrations, broken promises, loss of credibility, unrest and increased danger, soldiers paid with their lives to try to hold the situation because of the lack of commitment and dedication of funds and personnel to implement the development programs.

• (1435)

Since Glyn Berry lost his life in Afghanistan, CIDA and Foreign Affairs may not consider that to be a career-enhancing place for their personal ambitions. Can the leader, through those two ministers, tell us whether there is adequate CIDA and Foreign Affairs staff to implement a plan to be integrated with the security plan for the development and nation building of Afghanistan, and whether the dedicated funds from CIDA are being managed by that staff to implement those projects?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for the question.

The government, as he is well aware, has made substantial financial commitments for the stabilization and reconstruction in Kandahar province, and we are delivering on that funding. Having said that, it is obvious that there are difficulties, specifically in Kandahar province. We only have to witness the last five deaths of Canadian soldiers defending a reconstruction project in Kandahar province.

Through CIDA, Canada is actively funding projects in Kandahar, including a provincial reconstruction team spending \$3.1 million for medium-sized infrastructure projects such as bridges and dams. We have funded the expansion of the Afghan government's national solidarity program to promote community-based development in districts in Kandahar. We are putting \$5 million towards polio eradication in southern Afghanistan.

Senator Dallaire: Yesterday, the Standing Senate Committee on National Security and Defence received a briefing from Brig-Gen. Howard, who stated that those funds are not appearing in a proportional fashion to integrate development efforts with security efforts in order to advance the program, reduce risks of casualties and ultimately achieve the aim of supporting the Afghanistan government, as enunciated by the Liberal government and is being continued.

There is no indication that the substantive proportional amount of funds and staff effort is actually on the ground to meet the equal challenge by the military to provide and reinforce that security effort.

We are spending hundreds of millions in establishing the security and then find out there are hundreds of millions in DND for development work where we should be seeing proportionately as much, if not more, in the integrated effort of the provincial reconstruction team to advance the whole civilian-development capability.

Senator LeBreton: I thank the honourable senator for the question. As the honourable senator knows, because it has been before his committee, Afghanistan is the single largest recipient of aid from the Government of Canada.

Senator Dallaire mentioned the death of Mr. Berry and that there are some concerns about the monies allocated to CIDA and to National Defence for getting in and making a difference in Kandahar because of the volatility of the situation.

I will seek further clarification on exactly what CIDA and National Defence are doing to step up the work of CIDA. The honourable senator more than most, as a military person, does understand. We all understand how difficult it is to secure the area and to work on the reconstruction projects — which most Canadians indicate they would like us to do. However, with respect to the recent tragic deaths of the five soldiers on that reconstruction project, they were not in a combat situation, and the members of the foot patrol confronted by the suicide bomber on the bicycle were also doing reconstruction work.

• (1440)

Honourable senators, this is a complex and difficult situation, and there are no easy answers. However, I will seek some clarification as to how CIDA and National Defence are trying to deliver the money directly to projects in Kandahar province.

FOREIGN AFFAIRS

UNITED NATIONS RESOLUTION FOR ARMS TRADE TREATY

Hon. Francis Fox: Honourable senators, my question is also to the Leader of the Government in the Senate. I very much hope she will be able to say simply “yes” in answer to the question.

As the minister knows, in the spring of this year, her colleague the Minister of Foreign Affairs announced that Canada would support a resolution in the United Nations General Assembly calling for an arms trade treaty. The list of the official co-sponsors of the resolution is now public, and curiously, or unfortunately — perhaps both — Canada is not on the list. To date, 77 countries stand in support of this resolution, but not Canada.

Will the Leader of the Government tell us whether it is the intention of the current government to instruct Canada's ambassador to the United Nations to officially co-sponsor this resolution and put Canada's full diplomatic resources behind this important initiative?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I will not indicate whether I will answer yes or no to anyone. We have a new ambassador at the United Nations, and there are many complex and interesting issues before the United Nations at the present time. I will simply take the honourable senator's question as notice.

Senator Fox: It would be the first time that Canada has not supported a significant international arms control initiative. People would also note with interest that one of the countries standing on the sidelines on this issue is the United States.

Can the minister assure us that the current government's position will reflect the values of Canadians and not be tempered by the interests of gun manufacturers no matter where they are?

Senator LeBreton: The idea that any leader in this country would not lead the country in the interests of Canada is bizarre in the extreme and is almost unworthy of an answer.

Senator Mercer: Wait for the phone call from Washington.

Senator LeBreton: That is ridiculous. The fact is there are many examples where the Government of Canada has taken positions that have not pleased our neighbours to the south, but we are always respectful of them, which is something they did not get from the previous government.

Senator Fox: Will the minister acknowledge that the question of trade in small arms is very much related to anti-terrorist movements? This country has always been a leader in this area. The land mines legislation is but one example. We now have the possibility of indicating to the world where we stand on the small arms treaty, which will help stem the clandestine flow of Kalashnikovs and all those weapons into just about every country in the world, perhaps even into some Canadian cities. All I am asking from the Leader of the Government in the Senate is to say that, yes, the Government of Canada will stand four-square behind this treaty that brings together a number of countries to try to limit the proliferation of the trade in small arms.

Some Hon. Senators: Hear, hear!

Senator LeBreton: I will take that question as notice.

On the issue of dangerous activities in the world, after all, it was this government that finally had the courage to put the Tamil Tigers on the terrorist organizations list.

• (1445)

INTERNATIONAL TRADE

SOFTWOOD LUMBER— CANADA-UNITED STATES TRADE AGREEMENT

Hon. Pierrette Ringuette: My question is for the Leader of the Government in the Senate. In the last two weeks, Canada has witnessed major forest mill closures resulting in more than 2,000 jobs lost in our mills in Quebec, Ontario and New Brunswick. That is not counting the indirect jobs lost in the affected communities.

Last Friday, the U.S. Court of International Trade ruled that the Canadian softwood lumber industry is entitled to every penny of the \$5.3 billion of illegally imposed duties on our softwood exports over the years and, therefore, free entry of our products into the U.S. with no quotas.

Will the government acknowledge this U.S. trade court ruling and remove its signature from the softwood agreement with the U.S. that penalizes our industry and that curtails NAFTA and our sovereignty?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for her question. The softwood lumber agreement is not responsible for the job losses, as everyone knows.

I have read about the court ruling. We could again be setting another round of appeals and we would have been back in the same boat again. The government is taking measures to deal with the job losses, which, as I wish to point out once again, have nothing to do with the softwood lumber agreement. The job losses had everything to do with the rising Canadian dollar and the declining housing market in the United States.

On the issue of the softwood lumber agreement, the provinces and industry support it and no more so than in Atlantic Canada, where there should not be one single, solitary soul who is against the agreement.

Senator Ringuette: Perhaps the Leader of the Government in the Senate can come to New Brunswick and tell that to the 350 employees who lost their jobs last week.

In light of the U.S. Court of International Trade ruling for free entry of our softwood products, will the government withdraw Bill C-24, currently in the other place, imposing export charges on our softwood of up to 22.5 per cent and related monthly quotas?

Senator LeBreton: Of course we will not withdraw Bill C-24. I wish to point out to the honourable senator that the Maritime Lumber Bureau, which represents the industry in Atlantic Canada, gave the agreement its full support and urged all parliamentarians to set their partisan interests aside to support a negotiated resolution that preserves the region's historic exemption and its anti-circumvention programs.

[Translation]

Senator Ringuette: Honourable senators, I have been following this issue since April. So far, all the forecasts issued by economists on this matter have proven accurate. I have no intention of talking politics today. No matter the colour of the party in power — whether red, green, yellow or blue — Canadians deserved to be respected by their government.

During the last election, your government promised to continue to fight to defend the Canadian industry and our position within the North American Free Trade Agreement. You also promised to respect the conditions of NAFTA. Yet, since coming into power, your government has not followed through on any of your campaign promises. As I said earlier, it is not a matter of party colours; it is a matter of respect.

• (1450)

[English]

Senator LeBreton: The government has shown respect for the provinces, the industry and the rule of law. I have noticed that many politicians of all political stripes have supported this agreement. The provincial governments, whether they are Liberal, NDP or Conservative, and industry support this agreement.

From what I can determine from watching the comments of some of the members of the Liberal Party, this is an issue that

they want behind them; they do not want to saddle their leadership with this issue. Therefore, I suggest that if anyone feels strongly about this, he or she has the right to vote against it. I would imagine, however, that the honourable senator would then not be mindful of the wishes of the industry or of the various provincial governments. This is in no way being disrespectful, but this is a free Parliament and the honourable senator is entitled to her views. However, I happen not to agree or share them.

The softwood lumber agreement is one that has wide ranging support, especially in Atlantic Canada. The Atlantic Canadian industry is fully protected under the agreement.

[Translation]

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

POSITION OF OLDER WORKERS

Hon. Jean-Claude Rivest: Honourable senators, our colleague just mentioned a very serious problem facing the forest industry, particularly in New Brunswick, Quebec, Ontario and British Columbia.

We learned yesterday that the federal government and Quebec government are about to implement a program targeted at older workers in the industry that will certainly give them a helping hand in the short term.

Since older workers represent a large part of the labour force affected by this crisis, the federal government and Quebec government will contribute 70 per cent and 30 per cent respectively to help older workers retire.

Can the honourable minister confirm that the Canadian government, and the Quebec and other provincial governments, are ready to take the first important step by announcing the implementation of this program?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, \$400 million was set aside in the budget in March specifically for the forest industry and the adjustments that may be necessary for people working in the industry.

Today, the Minister of Human Resources, Minister Finley, announced an older workers program. It was just announced before we came into the chamber today and I will be happy to provide the details to the honourable senator.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I would like to draw your attention to the presence in the gallery of the Honourable Mohammadmian Soomro, Chairman of the Senate of the Islamic Republic of Pakistan, who leads a delegation of a number of his colleagues, senators in the Senate of the Islamic Republic of Pakistan.

On behalf of all honourable senators, I wish to welcome you, chairman, and the honourable senators accompanying you, to the Senate of Canada.

• (1455)

ORDERS OF THE DAY

TAX CONVENTIONS IMPLEMENTATION BILL, 2006

SECOND READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Angus, seconded by the Honourable Senator Tkachuk, for the second reading of Bill S-5, to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income.

Hon. W. David Angus: Honourable senators, when I moved the second reading of Bill S-5 at an earlier sitting, I was queried by Senator Murray as to whether there were any countries with whom we had negotiated tax treaties that had not yet implemented these treaties at their end. At the time, I undertook to obtain a list from the Department of Finance as to whether there were any countries in that category and, if so, how many.

I am pleased to advise that there are three such countries at the moment, being Gabon, Italy and Lebanon.

Hon. Lowell Murray: Honourable senators, does the honourable senator have the dates upon which the Parliament of Canada passed the enabling legislation for those three tax treaties? In other words, I am interested to know how long we have been waiting for our partners to reciprocate.

Senator Angus: I have that information and would be glad to share it with honourable senators. In the case of Gabon, Bill S-17 was our implementing legislation. It received Royal Assent in March 2005. In the case of Italy, the treaty was implemented in Canada by way of Bill S-2, which received Royal Assent in December 2002. Canada's first tax treaty with Lebanon was implemented in Canada by way of Bill S-3, which received Royal Assent in June of 2000. That treaty has not yet been ratified in Lebanon.

Senator Murray: I thank the honourable senator.

Order stands.

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING— ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau, for the second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure). —(Subject-matter referred to the Special Senate Committee on Senate Reform on June 28, 2006)

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, the Chair of the Special Senate Committee on Senate Reform has gone to speak to the Speaker of the Senate of the Islamic Republic of Pakistan. He asked me to take this opportunity to remind senators that, although the special committee is studying the subject matter of this bill, among other things, senators remain free to speak to it. He also wishes to assure the Senate that the special committee hopes to send its first report to this chamber soon.

Hon. Terry Stratton: Honourable senators, if I may, what does "soon" mean?

Senator Fraser: Honourable senators, Senator Stratton is as aware as I am that things in the Senate sometimes take on a life of their own. The current planning, I believe, is to try to have this report available next week or, at the very latest, the week after.

Order stands.

[Translation]

LEGAL AND CONSTITUTIONAL AFFAIRS

MOTION TO AUTHORIZE COMMITTEE TO MEET DURING SITTING OF THE SENATE— MOTION TO AUTHORIZE COMMITTEE TO MEET DURING ADJOURNMENT OF THE SENATE— ORDERS WITHDRAWN

On Motions Nos. 1 and 2 by the Honourable Senator Comeau:

That, in accordance with rule 95(3), the Standing Senate Committee on Legal and Constitutional Affairs be required to meet Monday, October 16, 2006 from 9:00 am until 9:00 pm, even though the Senate may then be adjourned for a period exceeding one week;

That, the Standing Senate Committee on Legal and Constitutional Affairs be required to meet on Tuesday, October 17, 2006 from 9:00 am until 9:00 pm and on Wednesday, October 18, 2006 from 9:00 am until 9:00 pm, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto;

That, the Standing Senate Committee on Legal and Constitutional Affairs be required to meet Thursday, October 19, 2006 from 9:00 am until 1:00 pm; and

That the Standing Senate Committee on Legal and Constitutional Affairs submit its report on Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability no later than Thursday, October 19, 2006.

That, in accordance with rule 95(3), the Standing Senate Committee on Legal and Constitutional Affairs be required to meet the following dates: Tuesday, October 10, 2006 from 4:00 pm until 9:00 pm, Wednesday, October 11, 2006 from 9:00 am until 9:00 pm, Thursday, October 12, 2006 from 9:00 am until 9:00 pm and Friday, October 13, 2006 from 9:00 am until 9:00 pm, even though the Senate may then be adjourned for a period exceeding one week.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I advise the Senate that I am withdrawing Government Notices of Motion Nos. 1 and 2 on the Order Paper.

The Hon. the Speaker: Honourable senators, is leave granted to withdraw these motions?

Hon. Senators: Agreed.

Motions withdrawn.

• (1500)

CRIMINAL CODE

BILL TO AMEND—THIRD READING

On the order:

Resuming debate on the motion of the Honourable Senator Lapointe, seconded by the Honourable Senator Tardif, for the third reading of Bill S-211, An Act to Amend the Criminal Code (lottery schemes).—(*Honourable Senator Comeau*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I am pleased to participate in the debate on Bill S-211 introduced by Senator Lapointe.

First, I would like to point out that I am taking the place of my colleague, Senator Forrestall, who passed away on June 9. I hope that my intervention will worthy of the one he would have made.

Senator Forrestall spoke to Bill S-211 on May 10, less than a month before his death. That is certainly a testament to his dedication to this chamber and to Canadians. His absence will be deeply felt in this chamber.

Bill S-211 seeks to amend the Criminal Code in relation to gaming offences in order to limit the locations where provincial governments may install video lottery terminals and slot machines to casinos, race-courses and betting theatres.

This is the fourth time that a version of this bill has been brought before us. Senator Lapointe introduced Bill S-18 in April 2003, Bill S-6 in February 2004, and Bill S-11 in October 2004. We appreciate the perseverance of Senator Lapointe who has gone through all these stages.

The Standing Senate Committee on Legal and Constitutional Affairs studied Bill S-211 at length and made amendments and the Senate adopted the bill as amended a year ago. Bill S-211 currently before us is that amended version. This explains in part why Senator Lapointe hoped that the bill would be sent directly to the other place. We must now examine each legislative proposal with the requisite diligence, even those we have already studied. I am pleased that we made a decision about Bill S-211 in committee.

When we were examining the bill, I found it useful to go over the transcripts of deliberations on previous versions. I carefully read the testimony on the risks lottery terminals present to communities and the pathological addiction they can cause.

Allow me to quote testimony by Doctor Derevensky from McGill University of at the Standing Senate Committee on Legal and Constitutional Affairs on February 19, 2004:

The video lottery terminals, or electronic gaming machines, appear to be highly problematic as a result of their structural characteristics. For example, these machines have high payout rates so that one is reinforced frequently on these games.

We also know that VLT machines are highly addictive. They have appealing light, colour and sound. They use multiple games on these machines, which enable an individual to consistently play on and off.

Dr. Derevensky added:

We also know that the local convenience of VLTs makes them very attractive. You do not have to walk very far in any major urban city to find a VLT. They are located at almost every other corner.

This testimony was highly convincing at the time and it still is. There is no end to the evidence showing that video lottery terminals are the crack cocaine of the gaming world.

However, our role as parliamentarians, which we take quite seriously, requires us to take into account all the relevant aspects of a legislative document and the context in which it will be applied.

From the review of Bill S-211 at the Standing Senate Committee on Social Affairs, Science and Technology, broad support emerged for the objectives Senator Lapointe proposes achieving with this bill, addressing the serious problem of compulsive gambling.

Throughout the process, general concern about Bill S-211's encroachment on provincial jurisdiction was also expressed.

This was a major concern of Senator Forrestall, who stated on May 10, 2006:

Honourable senators, while I respect the bill, where it comes from, and the sincerity with which it is put forward, noting on more than one occasion the enthusiasm Senator Lapointe has for this matter and for what he has attempted to do, I have continuing real concerns with this bill in that it intrudes into provincial jurisdiction.

Senator Champagne shared that opinion and, during the proceedings of the Standing Senate Committee on Social Affairs, Science and Technology, she told Senator Lapointe:

Basically, I entirely agree with the objective of this bill that you have tabled. All this has been set in the context of the Criminal Code, but nonetheless, it comes under provincial jurisdiction and thus, there is a major problem, in my opinion.

The crux of the matter lies in two federal-provincial agreements signed in 1979 and 1985, according to which gaming is to a large extent a provincial jurisdiction.

Senator Kirby, the chair of the Standing Senate Committee on Social Affairs, Science and Technology, quoted section 1.1 of the 1985 agreement, which reads as follows:

The Government of Canada undertakes to refrain from re-entering the field of gaming and betting and to ensure that the rates of the provinces in that field are not reduced or restricted.

Other aspects of the bill were also discussed. But the main issue remains that of intrusion in areas of provincial jurisdiction.

Unfortunately, it is impossible to amend the relevant provisions without totally gutting the bill. By passing this bill, the government will be sending the provinces the message that they will be allowed to operate video lottery terminals, over which they have complete power, only in specific places.

While the concern is legitimate, it does not justify the committee making a decision on Bill S-211 on that basis. As Senator Kirby pointed out to the committee, if a bill that affects provincial jurisdictions were to be killed in the Senate, it would be up to the chamber as a whole and not to the Senate committee to kill it.

This bill is once again before us and once again, it is up to us to decide whether to send it to the other place without addressing the issue of jurisdiction, should we choose to send it on.

Although testimony has shown that video lottery terminals contribute to compulsive gambling, the question of jurisdiction remains. That is why I cannot support this bill. I hope that we will review all aspects of this issue carefully before we make our final decision.

Hon. Pierre Claude Nolin: Honourable senators, is Senator Comeau ready to answer a few questions?

Senator Comeau: Yes.

Senator Nolin: You raised an argument against Senator Lapointe's bill. You said it was a matter of federal jurisdiction because the Criminal Code applies, given that, on a certain date the federal government — not Parliament — signed an agreement with the provinces not to limit their ability to collect revenue from the lottery system. As of that date, the federal Parliament could no longer amend that section of the Criminal Code. Is that the thrust of your argument?

Senator Comeau: Not at all. I did not say that the federal government would not have the right to do it. In 1985, the federal government said it would not encroach on those areas of jurisdiction. That does not mean it cannot. But we are now rejecting an agreement that currently exists with the provinces.

Senator Nolin: That is an important distinction to make. The agreement was between the executive branch of the federal government and those of the ten provinces. It is an agreement. I am pleased to hear you say that it does not prevent Parliament from amending the Criminal Code. It will be up to the government to decide whether it wants to re-examine

the agreement with the provinces. As long as the government does not abdicate its responsibility to amend the Criminal Code, I agree with your argument. It will be the government's problem.

• (1510)

The problem facing Parliament is whether we want to amend the Criminal Code. I believe we should; others would argue the opposite.

I would like the honourable senator to correct me if I have not properly grasped his argument.

Senator Comeau: The honourable senator is correct. Parliament has the power to introduce a bill in any way it sees fit.

I would like to quote from the 1985 federal-provincial agreement:

The Government of Canada undertakes to refrain from re-entering the field of gaming and betting and to ensure that the rates of the provinces in that field are not reduced or restricted.

It clearly states that this is a Parliamentary commitment. If we, as a Parliament, decided to renege on a government commitment, we have full authority to do so. We must consider the consequences involved when Parliament decides to renege on government commitments.

Hon. Serge Joyal: Will Senator Comeau accept a question?

Senator Comeau: Yes.

Senator Joyal: In the agreement you just referred to, there is a section to protect the provinces to some degree. The purpose of that agreement is to provide additional funds to the provinces. A province could deduct from the amounts paid each year to the Canadian government as rent for occupying this field of jurisdiction an amount corresponding to the money it would have lost if the government had reduced access to the lottery system. Thus, the Government of Canada cannot renege on this agreement.

In other words, despite the fact that Parliament, by amending the Criminal Code, could reduce a province's ability to install as many video lottery terminals as it likes, the provinces would be protected because they would be entitled to retain a portion of the annual rent they would have paid to the Canadian government to occupy this jurisdiction. That is a very important factor in the decision we must make today.

I think that the response to the legitimate fear you are expressing lies in the very agreement that the Canadian government signed with the provinces at that time.

Senator Comeau: Thank you for bringing that very important point to the Senate's attention.

Hon. Jean Lapointe: Honourable senators, there is another very important point that should be mentioned here. I am not related to Republican Senator McCarthy. I am not against gaming or casinos. But I am against abuse. The proximity of video lottery terminals in towns, on major roads or in back streets, is creating a huge crisis in society. I have been looking at this issue for four

years. I chose an amendment to the Criminal Code because it was the only way open to me. But it has not yet been mentioned that in 1985, video lotteries did not exist. Today, 80 per cent of the people in Quebec are against these lotteries, because they can see the unhappiness and the social problems that these infernal machines cause. Moreover, it has been proven that they cost governments more than they bring in.

Whether you agree or not is your opinion, and I respect it, but I do not have to share it. You said at the start that I have been very patient, but I must correct you: I have not been patient, I had no choice. You know me well enough to know that I am averse to wheels that grind slowly. I just want to say that patience has its limits.

Senator Comeau: I understand your aversion to wheels that grind slowly.

The first part of my speech did indicate that I understand your goals and objectives.

Previously, you made a very strong case about the extent of the problem caused by these lotteries. I agree completely with the objective of your initiative, and I know the dead ends you have reached every time you tried to solve the problem.

Hon. Marcel Prud'homme: Honourable senators, would it not be possible to go ahead with the bill in the Senate? Because it is a Senate bill, it will have to go to the House of Commons.

I remember similar circumstances where the Senate, in its wisdom, believed that it was the best it could present. It seems that such is the case this time.

I would not want the senators to do what they did to the House of Commons when they sent a bill to recognize the Dalai Lama as an honorary citizen. That was a poorly drafted bill and we reached an agreement on amending it. However, if we believe that this bill achieves almost all the objectives but that the administrative issues between the federal and provincial governments remain to be resolved, then why not send it to the House of Commons? They will study the bill in committee and will have to present something that will be acceptable to us.

I do not wish to send a badly worded bill and then say that I voted for such a bill in the hope that the other place would improve it. We can go ahead in order to further the debate. The House of Commons can study the matter of agreements made in the past and arrive at a conclusion that will satisfy the Senate.

Senator Comeau: I appreciate Senator Prud'homme's comments. I agree that perhaps the time has come for the Senate to make a decision about this bill. I am ready to ask a vote and ascertain the opinion of the senators on this subject.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to, on division, and bill read third time and passed.

• (1520)

[English]

PERSONAL WATERCRAFT BILL

SECOND READING—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Segal, for the second reading of Bill S-209, concerning personal watercraft in navigable waters.—(*Honourable Senator Comeau*)

Hon. Tommy Banks: Honourable senators, I wish to ask Senator Comeau, for the purpose of planning at the committee to which I suspect this bill may be referred, how long he thinks it might be before he speaks to Bill S-209?

Hon. Gerald J. Comeau (Deputy Leader of the Government): I expect that as soon as the sponsor of the bill, Senator Spivak, returns, the bill will be referred to committee. This side has no problem with that.

Order stands.

STUDY ON NATIONAL SECURITY POLICY

REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the fourth report of the Standing Senate Committee on National Security and Defence, entitled: *Managing Turmoil, The Need to Upgrade Canadian Foreign Aid and Military Strength to Deal with Massive Change*, tabled in the Senate on October 4, 2006.—(*Honourable Senator Cook*)

Hon. Joan Cook: Honourable senators, although this item on the Order Paper is standing in my name, I do not wish to speak at this time; as such, I yield the floor to the Honourable Senator Baker.

Hon. George Baker: Honourable senators, I thank Senator Cook. I shall be brief, so that any other senator who wishes to speak may do so. The fourth report of the National Security and Defence Committee singles out the community of Goose Bay. At the end of my brief remarks, honourable senators, I shall propose a motion that will contain two alternatives, in case the Speaker finds the motion inappropriate or cumbersome.

Honourable senators, more than 500 families are directly involved in employment at Canadian Forces Base Goose Bay. Yet, a section at page 53 of the report is entitled "Goose Bay: The Poster Boy For Warped Military Spending." The Government of Canada in its wisdom has committed substantial resources to that base. To refer to Goose Bay as "pork" and "The Poster Boy For Warped Military Spending" is insulting. That reference is inflammatory and belligerent. Those are the words of a bully.

I was further shocked at the words of the chair of the National Security and Defence Committee, who is present in the chamber today, when he presented the report. He said: "We can see no military purpose for the base whatsoever." I find that comment rather strange, honourable senators, because CFB Goose Bay and other bases on Canada's coastlines are used continually for the defence of North America in a special way. Interceptor jets are scrambled from CFB Bagotville, Quebec, to intercept on the line that goes straight down the Atlantic Ocean that separates Canadian-managed airspace from that of Europe, and the same applies up North when an unidentified aircraft flies over that line. There are 400 air traffic controllers based in Gander, my hometown, that note the unidentified aircraft and notify the military at bases such as Bagotville. The U.S. and Canadian militaries then scramble interceptor jets.

In the United States, those jets are based in North Carolina and at an advance staging base in Bangor, Maine. Until two months ago, the jet that was used was the F-14, which has been in service for 30 years and had tremendous range. The F-14 has been replaced by the Hornet. In Canada, the interceptor jets are in Montreal, at times, and there are a couple of jets in Ontario. The main base is CFB Bagotville, which is relatively inland. It has been a kind of embarrassment to people in Newfoundland and Labrador each time an alert is raised on an unidentified aircraft that has crossed over the line and the interceptor jets are scrambled, because the jets have to refuel at Goose Bay before they intercept. Upon close examination of Canada's defence system, one would not suggest closing down CFB Goose Bay. In fact, one would likely suggest that the interceptor jets be removed from Ontario and Quebec and placed at CFB Goose Bay.

Two weeks ago, before the House of Commons standing committee, the Minister of National Defence said how proud he was of our interceptor squadron. He could recall that, in 1988, within moments, when three Russian bears came over a line up north in Labrador, they were escorted out of the Canadian zone by the interceptor jets stationed at Bagotville. We all know of that occurrence because it made international news. What the Minister of National Defence probably did not know was that those three jets were on the tarmac at Goose Bay, Labrador, on return from another mission, which is why they got there so quickly.

It is constantly questioned in air traffic control services why it is that the American jets stationed at bases in North Carolina and Maine are able to do the Canadian interceptions. That is why many people in Goose Bay have demanded for years that the interceptor jets be placed there; it is straight logic.

Honourable senators, on national television the chair of the National Security and Defence Committee said that the committee can see no military purpose for the base whatsoever, that this base is a poster boy for warped military spending and that it is pork.

As well, honourable senators, I speak to this today to defend Senator Rompkey and his lifetime of efforts for Goose Bay.

• (1530)

In recent years he has been known as an author. He has published and what he has published has always been about Labrador. I do not want to say what happens in caucus meetings because that is secret. However, I can assure honourable senators that he was hurt by these references.

[Senator Baker]

MOTION IN AMENDMENT

Hon. George Baker: I rise today, honourable senators, to try to excise, expunge and extricate those impugned references to the great community of Goose Bay that has fulfilled a great function in the defence of North America.

Honourable senators, what I would like to do is move a motion. I discussed this with the clerk of the committee who expressed certain reservations. I can recall 38 years ago when I was the law clerk of the provincial legislature in Newfoundland — we had no reservations about anything. We did what we wanted to do.

What I want to try to do in this motion is to extricate the references to Goose Bay from the interim report of the committee. I realize this debate concerns the consideration of that interim report. Therefore, I move:

That all references to CFB Goose Bay (Labrador) be removed from the Interim Report of the Standing Senate Committee on National Security and Defence.

The Speaker may find that a bit cumbersome or contrary to law and therefore, in the alternative, I suggest that the report be referred back to committee for reconsideration and that all references to CFB Goose Bay, Labrador be removed from the interim report of the Standing Senate Committee on National Security and Defence.

If Your Honour finds that to be cumbersome or contrary to parliamentary procedure, in the final alternative, which I am told would be required to ensure it stands, I would move that the report be adopted as it is but that all references to CFB Goose Bay, Labrador be removed from the interim report of the Standing Senate Committee on National Security and Defence.

My motion would be seconded, of course, by none other than Senator William Rompkey.

I thank honourable senators for their attention.

Some Hon. Senators: Hear, hear!

The Hon. the Speaker: Honourable senators, may we have a bit of order as we proceed?

I will not put the motion at this time because with some further debate I think we may find an agreeable way across the house to proceed.

Let us continue with the debate.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, will Senator Baker entertain a question?

Senator Baker: Yes.

Senator LeBreton: I listened intently to what the honourable senator had to say. He made reference to the present government. I just want to clarify and put on the record that the Conservative

government which is now in office under Prime Minister Harper is committed, and made a campaign commitment, to retaining the base at Goose Bay. It should be clear that is on the record.

I want to know whether Senator Baker would like to acknowledge that again, if in fact he did not do it in the first instance.

Senator Baker: Honourable senators, it is not just the existing Progress Conservative Party that made that commitment — so did the Liberals, the NDP and I think the Bloc as well. It is only the Senate committee that I referenced earlier which objects to that funding.

Hon. Tommy Banks: Honourable senators, it is daunting to follow Senator Baker speaking about anything, even if one agreed with it, which I do not.

In speaking to this report, I will confine myself to the matter referred to by Senator Rompkey's intervention of October 5, which is the same matter referred to by Senator Baker. That matter is the recommendation in the present report that refers to the policy of closing or moving surplus Canadian Forces bases which are no longer efficient, have become redundant or obsolete and which recommendation gave as an example the Canadian Forces Base at Goose Bay, Labrador.

The Standing Senate Committee on National Security and Defence has for years been of the opinion, and has expressed in several prior reports, that there is a serious shortfall in the funding for the maintenance of infrastructure belonging to the Department of National Defence. There are a number of military bases in Canada — in all provinces of Canada, I think, but certainly in several of the provinces of Canada — that are superfluous to the present needs of the Canadian Forces.

The recommendation to which Senator Rompkey referred is a recommendation on a matter of government policy, specifically on government policy having to do with surplus infrastructure of the Department of National Defence. It is not, I suggest, an example, as suggested by Senator Rompkey, of micromanagement. It is a recommendation as to government policy.

When, in the committee's previous reports and its relative infancy, it unanimously made policy recommendations on various matters, the committee was roundly criticized for having made recommendations in a report without having presented specific examples upon which those recommendations were based and to which they would apply. We have learned, therefore, that it is wise to include illustrative examples in connection with our recommendations.

It is the committee's opinion, as expressed in this report, that there are more than 20 such superfluous bases now operated by the Canadian Forces, bases that are unjustifiable and a costly drain on the parliamentary appropriations to the Department of National Defence, the continued operation of which bases cannot be justified in light of the nation's present or foreseeable needs.

We have, as one officer expressed it, a size nine military and size 12 shoes.

Past experience has shown us that we need to provide —

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I rise on a point of order.

Might I ask the Speaker at which point we are right now? My understanding is that a number of motions were moved by Senator Baker. Are we on the motion in amendment or are we back on the report? This is just a point of clarification.

The Hon. the Speaker: I thank the honourable senator for his intervention.

Senator Baker has a couple more minutes left in his speaking time. He has given the house an indication that he has three ways in which he may go with his three different motions. After the debate matures a bit, I will recognize him for the remainder of his time, and by that time, he might have decided which of his motions he wishes to put before the house. It will be up to the house to determine what it wants to do with the motion.

The chair is recommending that the debate continue and that we hear the rest of Senator Banks' intervention. We will then return to Senator Baker.

Senator Baker: I of course bow to the decision of Your Honour.

Senator Banks: Experience has shown us that we need to and it is wise to give illustrative examples along with our recommendations, in this case the recommendation that military bases should not serve the purpose of regional economic development when they have become redundant or obsolescent to the forces needs.

We could have given past examples. There have been several such closures in my constituency in the province of Alberta, including CFB Penhold, which was once a bustling place with uniformed complements counted in the hundreds, including both air force and army units, and which has, since 1996, been in private operator's hands with not a uniform in sight. The Tactical Air Command was moved for reasons of efficiency out of Edmonton and into Manitoba. Another example is the complete closure of the Edmonton Kingsway base of the 418 Fighter-Bomber Squadron which became the 418 Transport and Rescue Squadron, and which base — hangars, aircraft, barracks, messes, the whole works — has simply disappeared.

• (1540)

We chose a current example, honourable senators, and the current example we chose, among many such possible examples, was Goose Bay, Labrador.

Senator Rompkey received very considerable applause from honourable senators during and following his speech. I am going to assume that, while some applause was no doubt in respect of his unquestioned oratorical skills, some of it was also in direct support of his point which, as I understand it, was that it is inappropriate that the committee should have made a recommendation in respect of the closure of bases and inappropriate for the committee to have put any particular military installation forward as an example to illustrate its recommendation.

I am going to assume as well, honourable senators, that the support for Senator Rompkey's point of view was from honourable senators who have actually read the report and perhaps even those predecessor reports on the shoulders of which it stands, and who are therefore entirely cognizant of the rationale by which and the context in which the recommendation was made. To assume otherwise would, of course, be irrational.

To remind honourable senators, the committee has dealt with matters of insupportable and surplus DND infrastructure in its reports of November 2002, December 2004, September 2005, June 2006 and now again in the present report. Again, I assume that all honourable senators have read all of those reports and successive recommendations and are therefore familiar with the continuum of the committee's logic.

Speaking to what I think is Senator Rompkey's point; I have to tell you that while I perfectly understand the role of the Senate and of senators in protecting regional interests, I do not believe that the protection of those regional interests should ever override the national interest.

Senator Rompkey said in his speech, "Our job here is to be lobbyists and spokesmen for our communities and to try to get what we can done." I certainly subscribe to that, but only to a point. The point of divergence for me is the point at which the interests of our constituencies collide with the national interest. The examples of the closures of the Alberta military bases I gave earlier would be a case in point. I believe that the interests of Cape Breton coal miners and their communities was another example of such a collision, and there have been others, having to do with softwood, fisheries and farms. In fact, there are collisions from time to time in every aspect of Canadian life and they bring us to hard decisions. When it comes to those decisions, we must each decide on which side of the fence we will come down and some of us will decide differently from others.

In his intervention, Senator Rompkey asked some questions and I will seek to answer some of them. He said, "I do not know who writes these things." Well, honourable senators, this is a unanimous report. The authors of this report are the senators whose names are on the front of it, and who are or were at the time members of the Standing Senate Committee on National Security and Defence. Every single chapter, every page, every paragraph, every word and, in fact, the punctuation of this report have been under the glaring scrutiny of its members and have in quite large degree been directly written by them. The report as tabled would not be recognizable by comparison to the first draft. We have vetted, argued, reworked, redesigned and amended our own work. There is nothing in this report to which each member of that committee does not subscribe and has not subscribed.

Senator Rompkey said, "This was done without any consultation as far as I know." That is not so, honourable senators. We have heard from Geoff Peters, Siobhan Coady, Carl Powell, Leonard Barron, and Fraser Ellis in a town hall meeting having to do with Goose Bay in February of 2005. We heard from His Worship Leo Abbas, the Mayor of Happy Valley-Goose Bay, from the Honourable Trevor Taylor, the Newfoundland and Labrador Minister of Fisheries and Aquaculture, who is also the Minister Responsible for Labrador, and from Mr. John Hickey, the member of the House of Assembly.

Senator Rompkey also wondered about the committee's contention in this and previous reports that "there is no apparent operational military mission," and went on to say, "Did anyone ask? No, they did not." We did ask, honourable senators. We have heard the military side of the question. We heard from the Minister of National Defence, the Honourable Gordon O'Connor, and we quoted him in our report of June 2006, as saying, "We have too much infrastructure." "We have too many buildings, too many everything."

We heard from MGen. J.J.C. Bouchard the First Canadian Air Division, who told us that:

On the infrastructure front, the air division is responsible for approximately \$5.2 billion in realty assets, much of which is over 50 years old. Current annual funding falls below the recommended level for recapitalization, repair and maintenance, thus accumulating a backlog that must be addressed in the next few years.

We heard from LGen. Marc Caron, Chief of the Land Staff, who told us, "The impact statement notes that in order to respect industrial standards we are underfunded by \$114 million on infrastructure."

We heard from LGen. Ken Pennie, Chief of the Air Staff, who said, "We really do not have an operational need for Goose Bay, since the end of the Cold War."

Honourable senators, Goose Bay was a NATO pilot-training facility, but NATO pilots have not been there for a long time now. The NATO Memorandum of Understanding for Foreign Pilot Training at Goose Bay expired on March 31, and no NATO nation has made contact with Canada or responded to the very considerable efforts that have been put forth by Canada to negotiate a new one. There is no interest.

Goose Bay was an ideal location for the training of NATO and Canadian pilots in low-level strafing and bombing. Senators will remember the concerns raised about that low-level strafing and bombing in respect of its effect on social and ecological affairs, but technology has overtaken the necessity for low-level strafing and bombing. Nobody does that anymore. The advent of different kinds of munitions has rendered this practice obsolete.

There has been no NATO training operation at Goose Bay for some considerable time. NATO does not appear to be interested in coming back to Goose Bay, and that was its principal use.

Senator Rompkey said, "The federal and provincial governments support the production of a business development plan; that is what they asked for." He is correct. The Standing Senate Committee on National Security and Defence, as it makes plain in the present report, could not support that initiative more strongly; with the codicil that the business development plan should contemplate the transfer, over a reasonable time, of the proprietorship and operation of physical plant facilities at Goose Bay, as has happened elsewhere in the country that are surplus to the country's military needs to another entity, as has happened all over the country, and that it should not rely forever on the Department of National Defence as a regional economic engine.

In 2002, the Standing Senate Committee on National Finance, chaired by Senator Murray, conducted a study in which Senator Rompkey participated and which dealt in some detail with the question of the future of the DND facilities at Goose Bay. During the course of that study, Mr. Randy Ford, President of the Goose Bay Local of the Union of National Defence Employees, was talking about the desirability, in his view, of a different proprietorship. Senator Rompkey questioned Mr. Ford, saying:

I was interested in the line, "Let some other entity run and grow the business...." Are there alternatives? If so, what are they? I was interested in the point in your presentation. You alluded to a Crown corporation or a locally-run authority. I should like to explore that and give you some time to amplify that.

Mr. Ford replied, "I do not think the concept of a separate entity the base is that far-fetched." "The efforts to privatize must lead to economic efficiencies..."

In the same meeting, I asked Mr. Ford, "Do you think that the community...could do a better job in the way that some airport authorities across the country have demonstrably done their jobs?"

Mr. Ford replied, "In effect, yes. I think that is a good model, the way airports were handed over. The Goose Bay Airport Corporation is doing an excellent job and is showing profits. That is good. If that is any indication, that might be the route we must take."

In the same hearing, Mr. Frank Young, General Manager of the Goose Bay Office of the Department of National Defence, said, "The air traffic at Goose Bay is mostly civilian. Canadian Forces Base Goose Bay may be a military airfield; however, close to 70 per cent of all air traffic at that base is civilian."

Colonel Alan D. Hunter, then the Director, Air Force Employment at the Department of National Defence said:

I should point out that if the allies were to terminate the Memorandum of Understanding and cease flying operations at Goose Bay, there is no rationale from an Air Force perspective, to retain the Wing and to maintain a Canadian Forces presence at Goose Bay. All of the military benefits that are currently derived from 5 Wing Goose Bay could be met at other Canadian facilities in a much more cost-effective manner.

Senator Rompkey responded to him by saying:

That last point is a question that maybe we should examine later on, the use of Goose Bay by the Canadian Forces. To summarize the answer, the strategic role of Goose Bay at the moment is to support the allied training that is there. If the allies were to leave, the Canadian Forces would have no use for Goose Bay; is that right?

Colonel Hunter replied, "That is correct, senator." Senator Rompkey said, "That puts it in perspective. That is why hearings are important."

That is so, honourable senators. Hearings are important, and there are at least 20 more examples that could be provided by our size nine military in its size 12 shoes. We cannot afford it. We cannot be all hat and no cattle.

We cannot continue with using forces bases as regional economic development instruments. That is not how parliamentary allocations to the Department of National Defence should be spent. This report's recommendations dealing with the divestiture of surplus and obsolete military bases and infrastructure, and the other recommendations contained in this report, are policy recommendations.

• (1550)

The budget of the Department of National Defence should not in any part be regional economic-development budgets. There are other functions of government that can properly and effectively address regional economic development.

Military bases, including those closed in Alberta that I referred to earlier and elsewhere in the country, are wonderful and welcome contributors to local and regional economies. Those contributions should be and must be incidental to the primary purpose. The only purpose of parliamentary appropriations to the Department of National Defence should be the proper training, outfitting, equipping and safety of the women and men who serve our country in the Canadian Forces.

Hon. Terry M. Mercer: Honourable senators, I rise to speak in this debate because I am concerned that this committee has gone astray. This committee has forgotten that not only are we honourable senators, but also we are politicians. I am concerned that the debate has come to the point where we are suggesting that spending government money should have nothing to do with regional development. It has everything to do with regional development. The argument put forward by the committee and by my colleague Senator Banks is that maybe we should move the Department of Veterans Affairs out of Charlottetown and back to Ottawa. Maybe we should move the GST centre from Summerside back to Ottawa. Maybe we should move all the offices back to Ottawa. Every dollar spent by this government has an effect on the economy of this country.

Coming from a wealthy province like Alberta, it is easy to say that spending the federal government money does not have an effect on regional economic disparity. It does in Atlantic Canada, Quebec, Northern Ontario, Saskatchewan and Manitoba. It is an important part of what this government does.

The main job of the Department of National Defence is to train the men and women in the Armed Forces and to provide for the proper defence of Canada and North America.

When we spend those dollars, we can spend those dollars with an eye on how we maintain employment in places like Labrador, Greenwood, Nova Scotia, or Bagotville, Quebec. Maybe the committee wishes to recommend closing all those bases and moving it all to someplace in Ontario or perhaps in industrial Quebec. I do not know where they want to put it all, but they obviously are not interested in spending money.

Senator Baker's resolution that I liked the best and am happy to support is to remove from the report entirely any reference to the base at Goose Bay and Labrador. Many people in Atlantic Canada, the people of Newfoundland and Labrador and the people from my province, have dedicated their lives, as many

Canadians across the country have, to the defence of this country and to building up the Armed Forces. I return to my point that every dollar the government spends should be spent in a way that has the most effect on what the government department is trying to do and on the local economy.

In the previous government, I remember many meetings where we talked about how to correct spending by government departments to ensure a better effect at the local level, so that we get the best price, but to ensure that not everything is bought in Ottawa. That has an effect on everybody. It has an effect on those who sell paper, paper clips, pencils or tanks. It is an important matter. I am concerned that this committee is grandstanding and looking for front-page coverage instead of looking at the real issues of taking care of the good people of this country, and in this case the people of Goose Bay, Labrador.

Senator Banks: Just to clarify, do I take it that, with respect to the placement of operations of government departments, you would regard the placement of the operations of the Department of National Defence in the same general book as every other government department? Is that correct?

Senator Mercer: Certain aspects of it. The navy is based in Halifax and Victoria. What a surprise. It does not make any sense to base it in downtown Calgary. We have to be logical here. It is logical to have the ability to respond, to have our air force respond to unidentified planes coming into our air space quickly. If that means moving the squadron from Bagotville to Goose Bay, so be it. If that means maintaining Goose Bay so that planes from Bagotville can refuel, then so be it. The fact of the matter is that you have to be logical.

For example, I have asked governments, including governments that Senator Banks and I have been members of, to decentralize the Department of Fisheries and Oceans, to put parts on the West Coast and parts on the East Coast — where, God forbid, someone who works for Fisheries and Oceans would actually bump into a fisherman. That is logical. I am not talking about moving the entire Department of National Defence to Halifax, although we have room and we would love to have you, but let us be logical. It is also logical to ensure that money is spent in a way that has the most significant economic effect on the region that is spending the money.

Senator Banks: Would the honourable senator agree that military bases ought to be placed, as in the example he gave of Esquimalt and Halifax, in the place they most logically can do their best job?

Senator Mercer: Generally speaking, yes. The honourable senator must also realize that we also have many bases already in place. CFB Summerside and CFB Shearwater have been rationalized and have moved some of their operations to CFB Greenwood. The fact of the matter is that there are other ones. That is why the GST centre is in Summerside — one of the reasons, not the only reason. The former Conservative government put it there, and it was a good move. We applaud them for that. It was a good idea. It was in recognition that the government has taken one thing away and put another thing back. We need to think about that.

If the CFB Goose Bay is downsized next to nothing, what will the economy replace it with? What will the local people replace it with? What will the Government of Newfoundland and Labrador do to maintain the current employment level in Goose Bay?

Senator Banks: There are many answers to that.

Senator Mercer: Yes, but I do not see anyone putting up a “help wanted” sign in Goose Bay looking for people to work in those jobs.

Hon. Roméo Antonius Dallaire: It is important to be careful when using examples to make one's case.

In 1995, as the deputy commander of the army, I was responsible for all the resource management of the army. There have not been major base closures or movement since that time. We did a big move at that time from Calgary to Edmonton, and a number of other rationalizations like pulling everybody out so there is no regular force army left in British Columbia. That is a significant problem.

However, we also did assessments of the infrastructure. Only 11 per cent of all the infrastructure and operational capability of the Canadian Forces is in the province of Quebec. Unless there is an operational requirement to move Bagotville, and so on, we must recognize that there are regions that are significantly advantaged by the presence of military, not only operationally but historically — for example, the Maritimes, Ontario and areas that have been downgraded in their operational responsibility like British Columbia.

• (1600)

Did the honourable senator raise Bagotville in the operational context of F-18s being deployed in Goose Bay, or is this just an example of reducing the infrastructure in Quebec?

The Hon. the Speaker: Honourable senators, Senator Baker has a few minutes of his time left, and he has a number of options. He can now tell us that he wants to make a motion. If duly made, it can be put before the house. As well, he could move the adjournment of the debate. Perhaps Senator Fraser would accept such a motion, and then he could take the time in the adjournment period to decide which of those three options he might want to bring back.

Senator Baker: Honourable senators, I have had some consultations forced upon me in the last few minutes, and I am being blamed for not making a decision on one of those three options.

When I made the motion, my preference was to amend the consideration of this report immediately. However, I was thinking that perhaps His Honour would find that procedure cumbersome and I gave him two alternatives.

Honourable senators, the first preference stands and I move the motion. However, if His Honour rules that motion to be out of order, then I should like to place the other two alternatives back on the record.

The Hon. the Speaker: Honourable senators, it is moved by the Honourable Senator Baker, seconded by the Honourable Senator Rompkey:

That all references to CFB Goose Bay (Labrador) be removed from the Interim Report of the Standing Senate Committee on National Security and Defence.

It is the chair's ruling that the motion is in order, debatable, amendable and, ultimately, will be decided by the house.

Some Hon. Senators: Question!

Hon. Colin Kenny: I move adjournment of the debate.

The Hon. the Speaker: It is moved by the Honourable Senator Kenny, seconded by the Honourable Senator Moore, that further debate on this matter be continued at the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: No.

The Hon. the Speaker: Is the motion carried, on division?

Some Hon. Senators: No.

The Hon. the Speaker: Will those honourable senators in favour of the motion to adjourn please say "yea"?

Some Hon. Senators: Yea.

The Hon. the Speaker: Will those opposed please say "nay"?

Some Hon. Senators: Nay.

The Hon. the Speaker: In my opinion, the "nays" have it.

And two honourable senators having risen:

The Hon. the Speaker: Call in the senators. There will be a 30-minute bell.

• (1630)

Motion negatived on the following division:

YEAS THE HONOURABLE SENATORS

Banks	Moore
Fairbairn	Murray
Joyal	Segal—7
Kenny	

NAYS THE HONOURABLE SENATORS

Angus	Losier-Cool
Baker	Lovelace Nicholas
Biron	Mercer
Bryden	Milne
Champagne	Munson
Chaput	Nancy Ruth
Cochrane	Nolin

Comeau
Cook
Cordy
Cowan
Dyck
Gill
Hubley
Jaffer
Keon
Lapointe
LeBreton

Peterson
Prud'homme
Robichaud
Rompkey
Smith
Stratton
Tardif
Trenholme Counsell
Watt
Zimmer—35

ABSTENTIONS THE HONOURABLE SENATORS

Fraser
Tkachuk—3

St. Germain

The Hon. the Speaker: The motion now before the house is the motion moved by Senator Baker, seconded by Senator Rompkey:

That all references to CFB Goose Bay (Labrador) be removed from the Interim Report of the Standing Senate Committee on National Security and Defence.

Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Some Hon. Senators: Agreed.

Some Hon. Senators: On division.

Motion agreed to, on division.

[Later]

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, in the tumult of it all, this chamber has adopted an amendment to the report but no one has taken the adjournment of the debate on the main report. If the chamber is willing to grant leave to do that, I would propose the adjournment of the debate on the report, as amended.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator Kenny: My understanding is that the adjournment stands in the name of Senator Cook, that she allowed Senator Baker to speak and wishes to retain the adjournment.

The Hon. the Speaker: I will make it a formal motion. It was moved by the Honourable Senator Fraser, seconded by the Honourable Senator Cook, that the matter stand adjourned in the name of Senator Fraser. Is the house ready to adopt that motion?

Motion agreed to.

• (1640)

[Translation]

STUDY ON OPERATION OF OFFICIAL LANGUAGES ACT AND RELEVANT REGULATIONS, DIRECTIVES AND REPORTS

REPORT OF OFFICIAL LANGUAGES COMMITTEE—
DEBATE ADJOURNED

The Senate proceeded to consideration of the second (interim) report of the Standing Senate Committee on Official Languages, entitled *Understanding the Reality and Meeting the Challenges of Living in French in Nova Scotia—Fact-Finding Mission to the Acadian and Francophone Communities of Nova Scotia, from September 19 to 23, 2005*, tabled in the Senate on October 5, 2006.—(Honourable Senator Chaput)

Hon. Maria Chaput moved:

That the Second Report of the Standing Senate Committee on Official Languages, entitled *Understanding the Reality and Meeting the Challenges of Living in French in Nova Scotia*, tabled in the Senate on October 5, 2006, be adopted and that, pursuant to rule 131(2), the Senate request a complete and detailed response from the government, with the Minister of Canadian Heritage, the President of the Treasury Board and the Minister for Official Languages being identified as Ministers responsible for responding to the report.

She said: Honourable senators, I shall keep my remarks brief, but I would like to say a few words about the mission we led in Nova Scotia and about the report that was just tabled.

From September 19 to 23, 2005, the Standing Senate Committee on Official Languages undertook a study mission to the Acadian and francophone communities of Nova Scotia. The purpose of this mission was to get a clearer picture of the reality of Nova Scotia's minority community, and try to identify the issues facing these communities and the corrective measures deemed necessary for their development and vitality.

We have received 58 briefs, met with more than 70 community organization representatives, and travelled more than 2,000 kilometres. This mission was conducted by Senator Corbin, seconded by Senator Buchanan, in their capacity as chair and deputy chair of the committee. Imagine that, Nova Scotia communities welcoming Parliament, Parliament having travelled to go and meet with Acadians and francophones at home, in Nova Scotia. This delegation included two senators from Nova Scotia: Senator Buchanan and Senator Comeau.

This mission allowed us to see that significant progress has been made in these communities in the past few decades. For example, a network of French language schools has provided a solid foundation for the vitality of the community and its economic development.

However, several challenges remain, honourable senators. Our report highlights three very important factors that have contributed and continue to contribute to slowing the development of these communities. These factors hinder

community cohesion and, as you know honourable senators, for minority communities, community cohesion is doubly important.

The first factor is related to demographics and history. These communities are quite dispersed from north to south and east to west in the province.

You might say there is nothing we can do about that, but I would like to remind you that this scattering occurred after the deportation of the Acadians during the "Grand Dérangement" or Acadian exile of 1755. The distance between the communities is the result of this exile.

The second factor is political in nature and influences community development. We were told about a lack of a coordinated federal strategy for the application of the Official Languages Act. We made some recommendations to try to remedy this situation.

The other factor is linked to the public administration process. Communities told us about federal agencies and departments, and programs designed according to criteria that do not always take into account the needs of official language minority communities.

The federal government must show more sensitivity in developing these criteria.

The communities also talked to us about the abolishment of positions and their local impact. For example, ten positions were lost to the regions and larger cities over the past two years and the consequences are disastrous to the economy and vitality of these small rural and coastal communities.

In short, the survey mission in Nova Scotia allowed committee members to better understand the reality of and the challenges facing these Acadian and francophone communities, living mainly in rural and coastal areas.

The mission also demonstrated that the Nova Scotia government, through the Office of Acadian Affairs, is committed to addressing the official language issues that face Acadian and francophone communities, which we were very pleased to learn.

Honourable senators, I am very proud to have tabled this report on behalf of the Standing Senate Committee on Official Languages. We are very anxious to hear the federal government's response to our recommendations.

On motion of Senator Comeau, debate adjourned.

• (1650)

[English]

THE HONOURABLE MICHAEL KIRBY

INQUIRY—DEBATE CONCLUDED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Fraser calling the attention of the Senate to the contributions to the Senate of the Honourable Senator Kirby, who will resign October 31, 2006.—(Honourable Senator Trenholme Counsell)

Hon. Marilyn Trenholme Counsell: Honourable senators, I would like to say that I came to the Senate of Canada hoping to work hard and to make a difference. For me, that opportunity came especially through the Standing Senate Committee on Social Affairs, Science and Technology. For this good fortune I thank Senator Kirby, Senator Keon and all my fellow senators on the committee.

To feel a sense of accomplishment in an institution such as the Canadian Senate, strong leadership is essential. We have had just that in abundance from Senator Michael Kirby and Senator Wilbert Keon. Senator Kirby leaves us with a remarkable record of achievement. The good news is that Senator Keon is still with us.

As senators, few of us can have the single focus afforded to Senator Kirby, yet without his vision, his dedication and the sheer force of his determination, studies such as *Out of the Shadows at Last* would never have been completed. It is a tribute to the leadership and the tenacity of Senator Kirby that the subject of mental health and addiction are on the national agenda now as never before.

In some ways, a greater challenge remains and that is to call governments, communities and citizens to action. This report must not be allowed to gather dust. It must become a living document, a road map to reduce the stigma of mental illness and addiction, to create a national network of knowledge and services to make healing and lifelong support a reality for millions of Canadians and a reason to hope for every man, woman and child who suffers from mental illness and addiction.

Senator Kirby's voice remains strong and clear on this subject. The greatest gift we could give him would be our voices, strong and clear, on the need to awaken our fellow citizens and governments to the painful reality of mental illness and addiction. We must not fail.

[Translation]

As members of the Senate of Canada, we must all remain dedicated to the work we do in our communities and throughout Canada, in order to instil hope in our citizens, including some of our own family members, who live day in and day out with the pain and suffering associated with mental illness and substance abuse.

[English]

On a lighter side, Senator Kirby created a collegiality amongst his fellow senators on the Standing Senate Committee on Social Affairs, Science and Technology. We had good times, even as we worked hard. That, too, is the hallmark of a leader.

[Translation]

My close friendships with fellow members of the Standing Senate Committee on Social Affairs, Science and Technology will always serve as a fond reminder of my time here on Parliament Hill.

[English]

It is in the spirit of "hail to the leader" that I offer this tribute. Thank you, Michael, for all the memories.

[Translation]

Thank you and best wishes for the future.

[English]

The Hon. the Speaker: If no other senator wishes to participate in this debate, it will be considered debated.

NATIONAL DEFENCE ACT

MOTION CALLING UPON GOVERNMENT TO PROCLAIM SECTION 80 OF THE PUBLIC SAFETY ACT, 2002— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Di Nino:

That the Senate calls upon the Government of Canada:

- (a) to cause the bringing into force of section 80 of the *Public Safety Act, 2002*, Chapter 15 of the Statutes of Canada 2004, assented to on May 6, 2004, which amends the *National Defence Act* by adding a new Part VII dealing with the reinstatement in civil employment of officers and non-commissioned members of the reserve force;
- (b) to consult with the provincial governments as provided in paragraph 285.13(a) of the new Part VII with respect to the implementation of that Part; and
- (c) to take appropriate measures in order for the provisions under the new Part VII to apply to all reservists who voluntarily participate in a military exercise or an overseas operation, and not to limit the provisions to those reservists who are called out on service in respect of an emergency.—(Honourable Senator Banks)

Hon. Tommy Banks: Honourable senators, the reason that I took adjournment of this debate was because there is a related matter referred to in the present report about which we have been paying a great deal of attention today. The report is called *Managing Turmoil, The Need to Upgrade Canadian Foreign Aid and Military Strength to Deal with Massive Change*. Please refer to page 83. I commend the attention of honourable senators to the recommendations in this report having to do with the reserves because they relate somewhat obliquely to Senator Segal's motion. I have brought this to his attention, he was familiar with it, and I wanted to make sure that that was so. So, I will continue for the balance of my time in order that Senator Segal's motion stays on the Order Paper, but I merely wanted to take this opportunity to draw that to senators' attention and I welcome other speakers on Senator Segal's motion.

The Hon. the Speaker: It stands in the name of Senator Banks.

HEALTH

MOTION URGING GOVERNMENT TO PROVIDE
LONG-TERM END-OF-LIFE CARE ADOPTED

On the Order:

Resuming debate on the motion of the Honourable Senator Carstairs, P.C., seconded by the Honourable Senator Joyal, P.C.:

That

Whereas the federal government has a leadership and coordination role, and a direct service delivery role for certain populations, with regards to palliative and end-of-life care in Canada;

And Whereas only 15 per cent of Canadians have access to integrated, palliative and end-of-life care;

Be It Resolved That the Senate of Canada urge the Government to provide long-term, sustainable funding for the further development of a Canadian Strategy on Palliative and End-of-Life Care which is cross-departmental and cross-jurisdictional, and meets the needs of Canadians; and

That a message be sent to the House of Commons requesting that House to unite with the Senate for the above purpose.—(*Honourable Senator Comeau*)

The Hon. the Speaker: Honourable senators, are you ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

ISSUES OF IMPORTANCE TO REGIONS OF ALBERTA

INQUIRY—DEBATE ADJOURNED

Hon. Grant Mitchell rose pursuant to notice of May 30, 2006:

That he will call the attention of the Senate to issues of importance to the regions in Alberta, with particular emphasis on Grande Prairie.

He said: Honourable senators, it is my pleasure to call to the attention of the Senate issues of importance to regions of Alberta, and in this particular case I would like to emphasize the community of Grande Prairie and the Peace Region of northern Alberta.

In my first speech in this chamber and in subsequent interventions here, I have said that Alberta is a very special place. I think each of us believes that of our own regions, but Alberta is a very special place, a province of bountiful resources, and industrious and innovative people from all parts of the

country and all parts of the globe. I would venture that Alberta is a model of the new economy, built on a highly skilled, productive and internationally competitive labour force and one that is built on an entrepreneurial get-things-done culture.

Human capital is the phrase that is often used. I like to use the word people as people will be the important engine of this new kind of economy. Albertans understand that implicitly. Nowhere is this more acutely recognized than in the Grande Prairie area which is blessed with an economy driven not only by energy — it is driven by the energy sector — but also by agriculture, by world-class educational institutions like the Grande Prairie Regional College and by being a government and health care regional centre.

Grande Prairie is one of the most thriving communities in Alberta. It is literally on the cutting edge of many technological, industrial and agricultural initiatives. It is appropriate that last year it was able to host the Alberta Science Fair. Many science displays and initiatives were taken by people of all ages in the community, but in particular by students in the community. At this fair, Roberta Bondar was invited to speak. It was a remarkable evening to see the hall filled with young people, in particular, so interested in science and so interested in what Roberta Bondar had to say.

Grande Prairie is rich in new ideas and upcoming technologies with some of the highest levels of new patents in the country. I have travelled to Grande Prairie on a number of occasions in the last year or so. I have had the opportunity to speak to agriculture producers, business leaders, forestry representatives, students and community members. I want to report on some of the findings.

• (1700)

There is an irony in this because so many Canadians, and most Albertans, believe that Alberta is a remarkably blessed and prosperous place; and that is true. It is also true that not all of the advantages of Alberta are equally spread. A community such as Grande Prairie is a case in point where there is tremendous opportunity and wealth, but there are gaps that need attention. The one subject area that arises again and again is the labour shortage afflicting communities like Grande Prairie, Fort McMurray and all of Northern Alberta. A subset of that problem is housing. Many have that said of Fort McMurray, in particular, but it is also a problem in Grande Prairie. There is such a housing shortage that one woman converted her home into eight bedrooms for rent at \$800 each per month. That is a keen indicator of the housing shortage in Grande Prairie. More intense is the need for labour. There are reported cases of people being offered signing bonuses to work in fast food restaurants. Literally, employers cannot find the people they need to ensure this continued economic boom. While there are huge benefits in Alberta for many large corporations, and certainly for many smaller corporations, it is often small business that is hamstrung by these kinds of problems. In Grande Prairie one can see that manifested in many ways.

How do you get more people to work in a place like Grande Prairie? One solution is foreign workers. A program under Citizenship and Immigration Canada allows foreign workers to be brought in under certain circumstances. However, there is evidence of great frustration with the program because it seems to grind along very slowly. Having said that, it is also the case that

not all Albertans are employed as they should be employed. Nearly 3,000 qualified journeymen trades people are unemployed in Alberta at any given time despite the fact that many jobs are available in places like Grande Prairie and Fort McMurray. The concern of the relevant unions is that companies can undermine collective agreements that would pay those union workers more than some companies are willing to offer. Thus, there is the competing interest of insufficient labour, trades people unemployed, and pressure to bring in foreign workers, who could stimulate the building of the economy and society. They would compete with people already here who cannot get jobs for whatever structural reason.

There are other issues as well. Aboriginal youth have tremendous potential to contribute and participate as full and equal partners in our society and in our economy. Often in a place like Grande Prairie Aboriginal youth slip through the cracks despite the tremendous prosperity. It is important that we provide and promote apprenticeships, skills training and post-secondary education for Aboriginal youth, and it is important that, where practical, the training be based upon community needs and take place within the community.

This government's renegeing on the Aboriginal Kelowna accord has had a direct impact on Aboriginal peoples in a community like Grande Prairie. That kind of decision cannot be taken in the abstract. When you visit a place like Grande Prairie, you can see the huge potential that the Kelowna accord could have for developing Aboriginal peoples and the lost promise that will occur because of that decision of this government.

Honourable senators, we must invest in other young people who sometimes fall through the cracks, which happens in any prosperous society. I spoke with the head of a local teen shelter. Even during an economic boom — especially during this economic boom — we cannot forget that not everyone shares equally in the prosperity. Troubled teens are also part of our future, and we either invest in them now or we will pay for it later. There is pressure on such teen centres to do more and more work with resources that do not expand to meet the needs.

One of the most important parts of addressing a labour shortage is ensuring that all Canadians are included in the new economy and increasing productivity by building essential skills for a better-educated workforce. This means investing in new Canadians, in women, in the disabled and in the growing population of Aboriginal youth. Not only is it imperative for us as a compassionate society that we be inclusive of these groups, but also it is essential to our future economic prosperity.

Another important and difficult irony exists in the Grande Prairie region and agricultural communities across Alberta. Again, the prosperity that is so prevalent in Alberta is not spread evenly. In rural and agricultural Alberta, energy prosperity does not necessarily reach the farming community. In fact, it can make their economy and marketing more difficult because that prosperity increases input costs for farmers. Perhaps there is no easy answer, but some structural initiatives exist under the Pacific Gateway Strategy that could help Alberta and other Western farmers to diversify their markets and gain access to them.

However, two things have occurred. First, the government has taken the initiative to dramatically slow down the infrastructure funding under the Pacific Gateway Strategy. The previous

government committed \$591 million over five years, whereas this government has committed funding over eight years. Second — and this is so tricky, honourable senators — this government has limited spending over the first five years to only \$160 million. The government has not only spread out the funding over a longer period, but also the government has delayed the funding by the way in which it is weighted.

This funding is extremely important for developing the infrastructure that would allow Northern Alberta, Southern Alberta and Western farmers in general to get their products to new markets. In that respect, one important element is rail infrastructure; a second element is an inland container port facility, which they have been asking for; and a third element is simple road infrastructure for industrial commerce.

A second feature of the Pacific Gateway Strategy is the important role that the federal government could play in developing Pacific Rim markets. Surely one of the most important markets for Canada is China. It is important to note that our share of the Chinese import market is less than 2 per cent. Consider that this government has reduced the intensity of its efforts to create strong relationships with China. First, it was only in the last week that an official meeting between the Minister of Foreign Affairs and the Chinese ambassador occurred, whereas such meetings are matter of course after a new government is formed. Second, the government has withdrawn from the CanTrade negotiations with China that would have opened up opportunities to develop joint commerce with China. Surely this government should understand that if we are to diversify the Western Canadian agricultural market and if we are to enhance and create stronger international markets, China cannot be forgotten.

• (1710)

On the other hand, this government is not only forgetting it, but it is almost as though they are making a conscious effort to provoke it. Senators opposite know exactly what I am talking about when I say "provoke it." They have taken some initiatives that are provocative to the Chinese government, that are not necessary and that are in fact limiting the development of international markets so critical to the agricultural community in areas like Grande Prairie.

The previous government invested heavily in infrastructure in the Grande Prairie region, especially in transportation infrastructure and in communications technology. Grande Prairie is a region with tremendous tourism and regional economic development potential that goes beyond even agriculture and energy.

There are also other projects that have been created by the people of Grande Prairie, one of which would have tremendous impact on it becoming a world-class tourist destination. This includes the large discovery of dinosaur bones the size of a football field at Pipestone Creek. Other infrastructure support is needed there, such as world-class swimming and recreational facilities, which they have begun to develop.

Forestry is a major industry in the Peace region and around Grande Prairie. Like many regions, this area has likely been hurt by the Conservative government's softwood agreement with the United States. In fact, the softwood lumber association of Alberta

came out recently very much opposed to that agreement. As we all know, and as the people of Grande Prairie know, the Conservative deal leaves \$1 billion of our money in the hands of the Americans. It creates an export tax that is higher than the current U.S. duties at current levels. Ultimately, it undermines the rules-based international trading system. Despite this government's almost obsessive efforts to curry favour with the United States government, it seems that that government continues to take Canada for granted on issues like softwood lumber, BSE and so on.

There is also the issue of the Wheat Board.

The Hon. the Speaker: I regret to advise the honourable senator that his 15 minutes have expired.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, given that we have taken the practice of allowing an extra five minutes in such cases, we on this side would agree to allowing the honourable senator another five minutes.

Senator Mitchell: Honourable senators, if I were telling them what they wanted to hear, they would have given me 10 minutes. I very much appreciate that, although there are things I am pointing out that hurt, they are willing to listen for five more minutes.

I turn now to the question of the Wheat Board. This government is trying to undermine the Wheat Board. It has structured a group to look at it, all the members of which are opposed to the Wheat Board. There is a great deal of support in the Grande Prairie area for the Wheat Board and for what it has done to support farmers in their region in Western Canada. It cannot be done away with frivolously. It should not be treated in the way this government is treating it at this time. They should state what they are going to do and allow for open and public debate on it.

In conclusion, farmers, ranchers, oil and gas producers, forestry companies and other business people in Grande Prairie are exceptionally innovative and internationally competitive. They need some help in the ways I have mentioned. They need help with infrastructure. The Pacific Gateway Strategy needs to be advanced more quickly. They need help with funding in a variety of infrastructure supports, in particular at the municipal level. Farmers need assistance in creating international markets.

Honourable senators, it would be wonderful for each of my colleagues in the Senate to spend some time in Grande Prairie. They would see an economy of the future in a classically well-run community. It is a place, however, that still needs the support of honourable senators. There are things that the Government of Canada can do to advance the interests of the people of that area.

Hon. Gerry St. Germain: Would the honourable senator take a question.

Senator Mitchell: Of course, honourable senators.

Senator St. Germain: I have sat in this place for 13 years. I have listened to Throne Speech after Throne Speech in which promises of grandeur have been made to our Aboriginal peoples under a Liberal administration, and nothing was done. One of the

last-ditch efforts on the part of Prime Minister Paul Martin brought our native groups together. He put together a meeting in Kelowna. It is my understanding that there were no firm financial commitments made at that meeting. It was just more promises and more talk.

In the accord that resulted, 4 per cent of the \$5.2 billion was allocated to economic development. These were flim-flam promises. Senators Sibbeston, Gill and others who are sitting on an economic development study have heard from elders and chiefs that welfare is in abundance for our native peoples, but if they seek out economic development there is no money. There is a mere pittance.

The people of Grande Prairie are pretty smart people. Generally, they have voted Conservative for the last 100 years. They will continue to vote Conservative. How can the honourable senator stand here and criticize a new government that has just taken the reins of power and when it has already done great things on the Pacific Gateway Strategy? This government has one of the best Ministers of Indian Affairs and Northern Development that anyone could ever find. He has brought a great deal of experience to the portfolio. That has never happened before. He is one of the lead ministers in the cabinet. Minister Prentice knows the file and knows what he is doing.

I am stunned that the honourable senator would be critical in any way, shape or form after 13 dismal years of promises and nothing being done for our Aboriginal peoples. The honourable senator stands here basing his entire argument on the last minute flim-flam show put on by Paul Martin.

Senator Mitchell: I appreciate the honourable senator's question.

When I hear the Leader of the Government in the Senate and the Prime Minister answer questions, and now when I hear the honourable senator ask questions, I am struck by the fact that they have forgotten a fundamental and significant thing that has occurred in their lives — they are no longer in opposition; they are in government. They have this wonderful opportunity to actually do something, to actually take an issue and do something with it.

So often I hear them saying, "The Liberals did not do anything" — although they are wrong about that, but that is their argument — "so we are not going to do anything." That is the indication of what you are saying.

All I heard the honourable senator say is that the Liberals had 13 years to do something. We did finally do something, and that was the Kelowna accord. You do not turn around and say that you will do something.

Where it is really evident is when it comes to the environment.

The Hon. the Speaker: Order, please.

The time of the honourable senator has elapsed.

On motion of Senator St. Germain, debate adjourned.

• (1720)

[Translation]

FIRST NATIONS INVOLVEMENT IN NATIONAL AND INTERNATIONAL AFFAIRS

INQUIRY—DEBATE ADJOURNED

Hon. Aurélien Gill rose pursuant to notice of September 28, 2006:

That he will call the attention of the Senate to the Government of Canada's position on the First Peoples on the national and international level.

He said: Honourable senators, today I would like to address a number of important current issues affecting Canada's First Nations peoples.

In June of this year, we learned that the Government of Canada voted against the UN Declaration on the Rights of Indigenous Peoples. This declaration, which was of vital importance to us, was designed to establish a basis for fruitful dialogue between Aboriginal peoples around the world and their respective governments. Taking a modern approach that included recent developments concerning respect for cultural minorities, the UN declaration paid special attention to the right to self-government and the right to ancestral lands and the exploitation of resources thereon.

The current government's position last spring, in Geneva, was all the more disappointing because previous governments had played a major role in the complex 20-year-long negotiations leading up to the declaration.

By voting for the declaration, Canada could have made a difference. We would have taken a decisive step forward for First Nations rights in this country and around the world. Once again, Canada missed the opportunity to live up to its reputation. I cannot remain silent about such a major step backward.

As you know, First Nations account for about 370 million of the poorest people on Earth. I am sorry to have to say it again, but in Canada, the first peoples were dispossessed of their lands, then typically relocated to the most inhospitable regions where nobody would or could live. Even when isolated in ghettos, many of our people continued to be threatened and even killed when defending what was left of their space.

Although Canada's Constitution recognizes first peoples' positive rights, numerous actions by the Government of Canada do not respect these rights. The Geneva Declaration was intended to provide a better framework for the close collaboration that must exist between governments and first peoples in order to deal with the major challenge facing us today.

Aboriginal peoples continue to be the most illiterate, the worst off, the most marginalized in Canada. It is the persistent contradiction between what the government says and what it does that saps our energies the most. As a responsible citizen, it is difficult to survive indifference, even with a positive and constructive outlook; how could the First Nations effectively remedy the situation when the government denies them the means

to do so by scorning their rights, which it recognizes nonetheless? The main cause of all our ills lies in this lingering contradiction.

Such fine words generally produce no results, and that is what prompted Stanley Vollant, the first surgeon to be a member of a First Nation, to say at a recent press conference:

[English]

I am ashamed to be a Canadian.

[Translation]

The press conference was about the serious decline in the health of our populations. This same contradiction creates illusions among First Nations and makes things difficult for Aboriginal leaders. More often than not, to obtain funding, they have to contend with ineffective policies that are not tuned in to the real needs identified by First Nations.

You can be sure that the woes of Canada's Aboriginal peoples persist not because they lack the will to take charge of themselves, but because they are being treated unfairly. Is it not clear that Canada's refusal to sign the UN declaration in Geneva is an unacceptable setback? Unfortunately, though, it comes as no surprise. Canada's unclear, ambivalent position on all Aboriginal issues was again evident.

Canada enjoys considerable prestige internationally, and with good reason. But when it comes to Indian affairs, sadly, that prestige is just a mirage.

I would not want to forget to tell my honourable colleagues that I shall be forever grateful to them for their ongoing support for the most disadvantaged in society, and among the First Nations in particular. One must not be fooled, however, neither by the fact that Canada is a great, big country at the cutting edge of development, nor by the big budgets allocated to Indian Affairs which only very partially benefit Aboriginal people.

In addition to receiving proportionally less government funding than non-Aboriginal communities, the vast majority of our communities do not have any infrastructure to generate economic activity. The bulk of the money goes almost directly to the neighbouring communities. That is the vicious circle of poverty breeding ever more poverty. The situation is urgent and pressing, as I already told this chamber.

Over the past 50 years, and the past eight as a senator, I have always been motivated in my work by the well-being of our first peoples and the attainment by our people of the status of full-fledged citizens. I make it a point of honour to repeat that the first peoples of Canada are the ones who, for the most part, have borne the brunt of this country's success. I believe in the greatness of Canada. I must nonetheless emphasize how our government has treated and treats today still the original inhabitants of Canada. Sadly, Canada is not measuring up.

However, I have always refused to give in to the defeatism that makes us lose sight of the ideals of the country by sacrificing them to individual, financial or political interests. Our democratic institutions are strong and inspiring. The men and women who lead these institutions must have vision. We must not give in to

pressure. We must protect the Canadian Charter of Rights and Freedoms and the rights of minorities at all costs. Our challenge is to realize our values of unity and harmony in diversity.

You may be familiar with the fact that the UN Commission on Human Rights considers the situation of Aboriginal peoples to be the main human rights issue to be addressed by Canadians. The Canadian government has received several warnings in this regard from the United Nations.

Does Canada not claim to be the champion of unity through its harmonious integration of cultural diversity? Should Canada not be a pioneer in recognizing the Aboriginal cause simply by following up its words with action? The reality is that we have only succeeded in obtaining something from governments when their own interests were at stake. In other words, and with rare exceptions, the needs, interests and rights of aboriginal peoples have always been subordinated to the political and economic interests of the majority.

Beyond partisan politics, the positive commitments in Kelowna gave us hope that the government of this country was definitely on the right path. Canada had also ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights; the first article in each covenant states that:

All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

It would be dishonest to reduce the issue to a partisan debate. The rights of peoples are at stake, namely the peoples who were in this country first. By tearing up the Geneva Declaration, the current government is betraying the spirit of these ratified international covenants by completely casting aside what was best about the Kelowna commitments.

In writing, the current government has promised to replace the Indian Act and related legislation with a modern legislative framework which provides for the devolution of full legal and democratic responsibility to aboriginal Canadians for their own affairs within the Constitution. This does not mean anything. The Geneva Declaration, which was rejected last spring, is precisely the cornerstone for the modern legislative framework they speak of and the foundation on which our institutions could be built.

• (1730)

The Canadian government must stop giving in to rhetoric and pressure that go against our ideals of justice. Rather than sit down with the Canadian Aboriginal organizations directly involved, Canadian representatives in Geneva chose to support Australia, which wanted to rewrite the chapter on lands and resources.

It is clear that Canada aligned itself with Australia in Geneva because the former fears provisions requiring the government to obtain the consent of First Nations to exploit surface and sub-surface resources. We will only make progress once first peoples have the means to participate in decisions made about their territory.

[Senator Gill]

Even today, first peoples in Canada have no recognized property rights, nor are they authorized to exploit surface, sub-surface, river or forest rights on the lands they still occupy and have always occupied. Currently, all we have are archaic location titles and certificates of possession.

We, the peoples who have occupied these lands for millennia, are still at the mercy of the minister's good will. How can we, as a people, achieve the basic dignity of being free in our own land if we cannot become financially independent by exploiting the resources on our lands? The Geneva declaration would have established the basis for satisfying negotiations to the benefit of all in the spirit of solidarity and close collaboration between peoples.

The declaration also addressed Aboriginal peoples' right to self-government. Clause 3 reaffirmed the right to self-determination and to be provided with the financial means to exercise that right.

I would like to mention clause 19 of the declaration, which specified that Aboriginals have the right to act through representatives they themselves have chosen and to establish their own decision-making institutions.

In the absence of consensus among member states, the Human Rights Council was obliged to put it to a vote. Thirty-three states voted to adopt the draft declaration. Russia and Canada voted against it, and some countries abstained.

During talks, our representative in Geneva, Ambassador Paul Meyer, justified the Canadian government's position as follows, and I quote:

[English]

In relation to self-government provisions, the text does not provide effective guidance about how indigenous governments might work with other levels of government, including laws overriding national importance in matters of financing.

[Translation]

Someone must have really wanted to foil the talks, to have resorted to such a red herring. The declaration included tools for cooperation. Furthermore, the 70 countries that have First Nations peoples all have different political structures and realities, which could not all be addressed in detail by the declaration. Basically, excuses of any kind were enough for not remaining faithful to the spirit of the declaration.

The states that signed the Geneva Declaration serve as a good example for Canada, to say the least, even though Canada never misses an opportunity to tout itself as a leader in the treatment of cultural minorities, especially Aboriginals.

Canada faced harsh criticism. Dalee Sambo, an Inuit woman from Alaska, told the media:

[English]

We do not understand this narrow-mindedness from Canada that eliminates 24 years of patient work. The declaration — it is not even a convention — only has a moral value. These are minimum standards, the fruit of compromise that is backed by

150 native organizations. It reflects a balance between our rights and government interests.

[Translation]

If self-determination is a fundamental right of all peoples, why refuse to sign a declaration that recognizes this right for Canadian Aboriginals? Would they dare to suggest that Aboriginals lack the maturity required to properly take part in the decisions and actions that affect their own land and their country? First Nations must have self-determination now.

If actions speak louder than words, the government has clearly missed an opportunity to walk the talk. The message it is sending to First Nations suggests a lack of respect and, above all, a lack of trust.

How could anyone assume otherwise, when Ambassador Meyer asserted that the declaration:

[English]

— could be interpreted to support claims to broad ownership rights over territories, even where rights to such territories were lawfully ceded treaty.

[Translation]

This very deception is what disturbed me when Prime Minister Harper, in an attempt to justify his government's sudden about-face, said:

[English]

Canada's objective was to achieve a draft declaration that affirms the rights of indigenous people around the world, but that also recognizes the rights of all citizens, both Aboriginal and non-Aboriginal, in a way that promotes harmony and reconciliation.

[Translation]

Another clumsy excuse marked by bad faith! As if Canada's goal of promoting harmony and reconciliation meant pulling out of the declaration. As if respecting the First Nations' rights that the declaration confirms automatically meant denying the rights of non-Aboriginal citizens. Does the Prime Minister want unity or discord?

This tendency to consider Aboriginal peoples as adversaries or troublemakers refuses to die. Governments must rid themselves of this persistent attitude.

As I just said, the Canadian government has missed a golden opportunity to improve its image by giving the First Nations reason to be proud of the country they agreed to share with their White brothers.

I would like to talk about another important provision in the Geneva Declaration that stipulates —

The Hon. the Speaker: Honourable senators, I regret to say that the senator's time is up.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, we could give Senator Gill five minutes to finish his speech.

Senator Gill: Honourable senators, I would like to talk about another important provision in the Geneva Declaration that stipulates that indigenous peoples, like all Canadians, have the right to freedom, peace and security and to be protected against systematic violence.

Honourable senators, this provision is very timely for the first peoples of Canada, because the forced transfer of Aboriginal children is still going on here.

I do not need to refer to the well-known episode of the residential schools. But today, the number of Aboriginal children identified by child protection authorities is three times higher than when the residential schools were operating. The rates of placement of children from First Nations are reaching very alarming levels.

In 28 of the 54 Aboriginal communities in Quebec, last year, the Youth Protection Branch dealt with 10,943 cases of placement of First Nations children for a population of 11,372 children under age 18. Children were placed several times.

Speaking of our children, imagine our astonishment upon learning of amendments to Quebec Bill 125 whereby after being in foster care for one or two years, a child will be permanently placed. How many of our children placed in non-native families — undoubtedly good families — must we lose?

For us, this is tantamount to an inexorable and rapid assimilation. After so many battles and sorrows, how can such a law be implemented in this day and age? It is an unfortunate reminder of the Indian Act, legislation which explicitly promoted assimilation. Needless to say, the placement of these children goes against the Declaration on the Rights of Indigenous Peoples.

We must establish a new type of community living. A good number of our families have gone from one lifestyle to another without any preparation. These families need training programs so they can welcome these children and keep them in our communities.

Honourable senators, I could speak at length on these matters and explain the soundness and the necessity of each article of the Geneva declaration that Canada rejected. I could repeatedly show how the Charter is not respected and why it should be in order for these injustices to finally become part of the past.

One of our former prime ministers said that a majority is judged by how it treats and governs its minorities. Given the extreme poverty of several of our communities, Aboriginal peoples are not treated as they should be.

We are not asking for the sky or the moon. We simply want social assistance to be replaced by assistance for economic, cultural and political development. As suggested by articles 14 and 29 of the declaration, we want the right to transmit to our future generations our languages, our traditions and to retain our names, to preserve our heritage, our knowledge, our sciences, our technologies, cultural manifestations, sports and arts.

• (1740)

Are we only part of prehistory and the forgotten past? I was recently drawn to the title of an article in *La Presse*. It said that Ottawa was setting the stage for an Aboriginal quiet revolution. I thought that our country's adherence to the UN declaration combined with the Kelowna accords would mark the start of a new era for First Nations, but these words from Minister Prentice left a bitter taste in my mouth. I know that Minister Prentice is quite anxious to move forward. It remains to be seen whether he has the ability to cut through all his government's decisions and counterproductive claims against Aboriginals.

I am very proud of my heritage. I have had many wonderful experiences with my people. Of course, I have also experienced disappointments. But I am not defeatist and I am sure that it is not out of spite that Canada's successive governments have allowed the situation to deteriorate. It is out of weakness.

Justice is a value that requires a great deal of strength and even greatness. And it goes hand in hand with peace, which is so important to me. Things have been dragging on for far too long. The time has come to take firm measures to rectify the situation.

I will close with the following three questions in the hope that they will be answered:

When will we, the first peoples of Canada, finally be recognized as full citizens of our country? When will we have our institutions and control over our resources, our land and our lives? How much longer will we have to wait to be recognized as real partners?

I want to thank you for your attention and I ask once again, honourable senators and colleagues, for your full cooperation in ensuring that these important issues are addressed and resolved by our government together with the First Nations as quickly as possible for the greater good.

On motion of Senator Watt, debate adjourned.

[English]

BUSINESS OF THE SENATE

MOTION FOR ADJOURNMENT—ORDER WITHDRAWN

On Motion No. 105 by the Honourable Senator Fraser:

That when the Senate adjourns today, it do stand adjourned until Tuesday, October 17, 2006 at 2 p.m.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, this motion obviously has lost any point; therefore, I propose to remove it from the Order Paper.

Hon. Marcel Prud'homme: On this question, I have been in this place for 13 years, but I spent 30 years in the other place. An honourable senator, who may not be as daring as I am, asked the reason for this motion. It is the first time that I have seen a motion of this kind, where a Deputy Leader of the Opposition takes the adjournment. I always thought that was the job of the Deputy Leader of the Government, because he usually states that he will move the adjournment later on. To be frank, and I am serious, I never knew this was possible. I would appreciate if someone would provide me with an explanation, just to enlighten me on the *Rules of the Senate*. We can always learn.

Senator Fraser: I would agree that it is a question that all senators have a right to have answered.

At the time, when I gave notice of this motion, we were involved in serious negotiations about, in particular, the progress on Bill C-2. The Honourable Senator Prud'homme may recall that there were also some rather unusual motions that had been brought in by the government side. We were able to reach agreement on the way forward in consultation with committee members, and I think therefore it is appropriate for all of these resolutions, motions, to go.

Senator Prud'homme: Now I understand. Thank you.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Order withdrawn.

The Senate adjourned until Wednesday, October 18, 2006, at 1:30 p.m.

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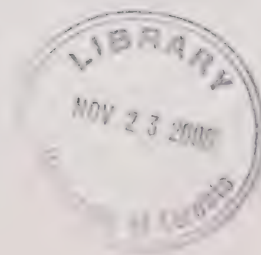
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NUMBER 37

OFFICIAL REPORT
(HANSARD)

Wednesday, October 18, 2006

THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Wednesday, October 18, 2006

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

PERSONS CASE

Hon. Nancy Ruth: Honourable senators, today is the seventy-seventh anniversary of a decision that allowed myself and my female colleagues to enter this chamber. In his appeal decision in the Supreme Court, Lord Sankey wrote, in part, as follows:

The British North America Act planted in Canada a living tree capable of growth and expansion...

The government of the day would not appoint women to the Senate, would not accept women as full players. Hence, five women took action. What is interesting is that Mackenzie King agreed that the government would pay the costs of the petition to the Supreme Court and the appeal.

It is interesting that, since 1929, from time to time, other governments have agreed — at the moment, we are in a phase where the government will not do this — to pay for women and other equality seekers to test their equality rights in the Supreme Court of Canada. Make no mistake: As women, we do continue to work to end the inequality, the violence and poverty that keep women unequal in Canada today. As Nellie McClung said:

Never retreat, never explain, never apologize — get the thing done and let them howl.

Hey guys, we need your help: You have to move over, share power and more resources, and stop the talk and walk the walk.

[Translation]

Hon. Marie-P. Poulin: Honourable senators, as my colleague, Senator Nancy Ruth, stated so well, every year on the same date, we commemorate the Persons Case, which led to acknowledgement in law that women truly are persons under section 24 of the British North America Act.

The case took place 77 years ago, which is not as long ago as some might think. Many of our mothers were young women at the time.

Nevertheless, at the time, it took five women from Alberta to take a stand. They fought for the right of women to be treated as equals.

As parliamentarians sitting in the Senate, the success of these five militant Alberta women holds special significance for us. Thanks to their action, now more than 30 per cent of the members of this chamber are women. Thanks to them, this

chamber has a better balance between men and women, so it can now — wisely and soberly, to be sure — address all of the bills that affect the lives of all Canadians, both men and women.

• (1335)

[English]

SMALL POLITICAL PARTY FINANCING

Hon. Serge Joyal: Honourable senators, last Thursday, October 12, Justice T. Matlow from the Superior Court of Ontario declared null and void, as a contravention to sections 3 and 15 of the Charter of Rights and Freedoms, two sections of the Canada Elections Act — sections 435.01(1)(a) and (b). Those sections prohibit small political parties that have not met the 2 per cent threshold of the national vote, or 5 per cent of the vote at the riding level, from having access to the quarterly allowance of \$1.75 per vote given to a registered political party, according to Bill C-24.

When Bill C-24 was debated and studied in the Senate in June 2003, I drew the attention of honourable senators to the decision of the Supreme Court of Canada in the *Figueroa* case that struck down the obligation to run a minimum of 50 candidates to be considered a political party and to benefit from income tax receipts for donations. The Supreme Court interpreted section 3 of the Charter, the one entitled “Democratic Rights,” as having a wider scope than the mere right “to enter a voting booth and mark a ballot.”

The court concluded that section 3 of the Charter also included “the right of each citizen to play a meaningful role in the electoral process,” as well as the “right to vote in a manner that accurately reflects his or her preferences.”

When Bill C-4 was introduced by Senator Robichaud, I stated on June 12:

[Translation]

Small parties are not represented in Parliament, but they represent the views of Canadians who are entitled, under our Constitution, to freedom of speech, freedom of thought, freedom of association and to express their views “at the ballot box”.

[English]

When the then Leader of the Government in the House of Commons, the Honourable Don Boudria, testified at the committee hearing on June 17, I contended that small parties were protected by sections 3 and 15 of the Charter and that the bill was contrary to the Charter. Senator Grafstein asked if the bill was certified by the Department of Justice as complying with the Charter, and the minister confirmed that it was.

Honourable senators, the Superior Court of Ontario has declared that those sections contravene the Charter and are therefore null and void. Justice Matlow even ordered that small parties be given back access to public financing from the day Bill C-24 was enacted.

This court decision is of importance because we have before us Bill C-2, which is being studied by the Legal Committee. It also affects the status of small parties and raises a similar doubt based on the same sections of the Charter. Again, I have raised at the committee the constitutionality of the limits imposed on the donations to political parties and their particular impact on small parties.

We cannot legislate without paying close attention to the impact of those sections of Bill C-2 on the conditions of small parties and their right to be treated fairly. Those are Charter issues, and it is here in the Senate that they can be best debated. At least three times in the recent past bills to amend the Canada Elections Act have been found by Canadian courts to be in violation of the Charter.

I draw the attention of honourable senators to this issue today so that when we address Bill C-2, we take a leadership role in righting a wrong suffered by minorities in the electoral process in Canada.

NOVA SCOTIA

VICEREGAL EVENTS

Hon. Terry M. Mercer: Honourable senators, with the installation of our new Governor General this past year, we witnessed an historic passing of the torch from one talented and independent woman to another. Nova Scotians have recently witnessed an equally historic event with the installation of our new Lieutenant-Governor.

First, I would like to congratulate the Honourable Myra Freeman for her steadfast work on behalf of our province since her appointment in 2000 by former Prime Minister Jean Chrétien. In her six years as Lieutenant-Governor, Madam Freeman's passion and experience in philanthropy and as an educator has encouraged young Nova Scotians to involve themselves more in their culture, government, volunteerism and their future. On behalf of all of us here, I offer her my sincere congratulations on a job well done.

Honourable senators, Nova Scotia's new Lieutenant-Governor, Her Honour the Honourable Mayann Francis, will build upon these themes and more. She is the first Black Canadian to serve as Lieutenant-Governor of Nova Scotia and only the second woman in 400 years.

Born and raised in Whitney Pier, Cape Breton, Madam Francis has already shown leadership by dedicating her career to fostering tolerance and diversity through her work within government and philanthropic organizations, and most recently as Director and CEO of the Nova Scotia Human Rights Commission. She is a graduate of St. Mary's University, along with Senator Moore and I, and I look forward to witnessing more accomplishments from her in the years ahead.

Honourable senators, with the change in Lieutenant-Governor comes another change some may not be aware of. Ethel and Walter Garnier have worked and lived at Government House in Halifax for over 100 years combined. In 1947, the year I was born, Walter started by tending fireplaces, then moved on to become chauffeur and later custodian. He met Ethel in 1958 when she started her employment at Government House, which culminated in her current position as executive housekeeper. The married couple continue working to this day, but will be retiring in November.

• (1340)

Walter's sincere greeting at the door, as well as Ethel's apparent care and pride as she walks visitors through the viceregal home, will be missed. Honourable senators, please join me and all Nova Scotians in offering our sincere congratulations to this couple, not only for their length of service but also for the quality and respect with which they served. We can only hope to honour their service with our own.

THE HONOURABLE BARBARA A. HAGERMAN

CONGRATULATIONS ON APPOINTMENT AS LIEUTENANT-GOVERNOR OF PRINCE EDWARD ISLAND

Hon. Elizabeth Hubley: Honourable senators, Canada is a great kaleidoscope of people and this diverse personality is reflected in this chamber. Indeed, I believe that one of the most distinguishing qualities of the Senate is its ability to represent not only regional and political interests, but also the very face of Canada by bringing to Parliament individuals from so many communities, backgrounds and professions.

Another office that affords the opportunity to embody our diversity is that of provincial viceregal representative. Prince Edward Island has been graced with several outstanding lieutenant-governors in recent years, including the Honourable Marion Reid, the Honourable Gilbert Clements and our outgoing Lieutenant-Governor, that wonderful Acadian gentleman, the Honourable J. Léonce Bernard.

Honourable senators, I am pleased to say that Islanders have yet another exemplary citizen to serve as Her Majesty's representative in the person of our new Lieutenant-Governor, the Honourable Barbara Hagerman. I want to congratulate her and the federal government on what I believe is an excellent appointment.

As most of you know, I have a great interest in the arts and I believe that creative expression is at the heart of our society. Born in Hartland, New Brunswick, Barbara Hagerman, a talented music teacher and performer, is only the second woman to hold the position of lieutenant-governor in my province. After graduating from the legendary music program at Mount Allison University, specializing in voice and organ, Barbara began what has been a distinguished career as a vocal soloist with the PEI Symphony Orchestra. She also conducted the Summerside Community Choir for 17 years, during which time the choir performed throughout the Maritime region and even at Carnegie Hall.

Honourable senators, Lieutenant-Governor Hagerman also comes to Government House in Charlottetown as a dedicated community volunteer. I want to take this opportunity to congratulate her and wish her well as she and Mr. Hagerman begin what I know will be a distinguished and successful term in office.

• (1345)

MINIMUM WAGE

Hon. Jeremiah S. Grafstein: Honourable senators, it grieved me to read in the press today that the Government of Ontario, a region that I proudly represent, has taken a position that I believe is inimical to the best interests of the people of the province of Ontario, that being their objection to raise the minimum wage to \$10. The argument made by the Minister of Finance, according to newspaper reports, is that such an increase would be uncompetitive or unproductive.

While people at the top of the wealth sphere are increasing their wealth, the number of people at the bottom is increasing as well. The working poor rely on a minimum wage.

It strikes me, honourable senators, that those who are concerned with women's rights and poverty in this country would make a concerted effort in this house to persuade not only the Province of Ontario, but also other provinces to increase the minimum wage.

While the minimum wage is a small measure, it is not uneconomic and can be productive in increasing the living wage for all working Canadians.

ROUTINE PROCEEDINGS

BANKING, TRADE AND COMMERCE

NOTICE OF MOTION TO AUTHORIZE COMMITTEE TO EXTEND DATE OF FINAL REPORT ON STUDY OF ISSUES DEALING WITH INTERPROVINCIAL BARRIERS TO TRADE

Hon. Jeremiah S. Grafstein: Honourable senators, I give notice that at the next sitting of the Senate I will move:

That, notwithstanding the Order of the Senate adopted on Tuesday, May 2, 2006, the Standing Senate Committee on Banking, Trade and Commerce, which was authorized to examine and report on issues dealing with interprovincial barriers to trade, be empowered to extend the date of presenting its final report from October 31, 2006 to June 29, 2007; and

That the Committee retain until July 31, 2007 all powers necessary to publicize its findings.

[Translation]

CANADA NATIONAL VIMY MEMORIAL

NOTICE OF INQUIRY

Hon. Roméo Antonius Dallaire: Honourable senators, in accordance with Rules 56 and 57(2), I give notice that, on Wednesday next, October 25, 2006:

I will call the attention of the Senate to the final phase of the restoration of the Canadian National Vimy Memorial begun in 2001 under the auspices of the Canadian Battlefield Memorials Restoration Project.

[English]

QUESTION PERIOD

AGRICULTURE AND AGRI-FOOD

CANADIAN WHEAT BOARD— MEMBER PARTICIPATION—MARKETING SYSTEM

Hon. Robert W. Peterson: Honourable senators, my question is directed to the Leader of the Government in the Senate. We are living in troubling times where opinions contrary to those of the Prime Minister are dealt with harshly. One of the leader's colleagues was expelled from the caucus today for presenting views contrary to those of the Prime Minister. The democratic process appears to be in jeopardy and democracy is being crushed.

The Canadian Wheat Board was created by the federal government in 1943. The government now wants to make changes to the board without properly consulting the producers it serves. The changes the government wants to make to the Wheat Board will effectively privatize it. This will take away any leverage that the Wheat Board has in marketing wheat and barley. When will the government take responsibility, start governing, and put the question to a vote by farmers?

Hon. Marjory LeBreton (Leader of the Government): I thank Senator Peterson for that question, but I must respond to his preamble about the actions taken today by the Conservative caucus of Ontario. I am part of that caucus and took part in the decision.

• (1350)

This was not a situation of the member of Parliament in question attacking the Prime Minister. This was a decision of the Ontario caucus. Members of the caucus did not feel they had the ability to speak openly and confidentially in the confines of caucus. It was akin to having a person in the caucus who was a member of the national media. The decision was made by the Ontario caucus and simply ratified by the national caucus. It had nothing to do with Garth Turner's views of any particular person in our party.

With regard to the Wheat Board, as honourable senators know, our position in the last election campaign was for a dual marketing process. As honourable senators also know, wheat producers are preparing now for a vote on the wheat board directors. The process concerning the taking of that vote is about to be finalized.

Hon. Grant Mitchell: Honourable senators, despite much rhetoric by this Conservative government about restructuring relations with the U.S., their legacy of failure is as follows: no progress on BSE; complete capitulation on the softwood lumber issue; border controls that will hurt Canadian trade and commerce with the U.S.; an attack on sugar beet farmers in southern Alberta and elsewhere in this country; and now a capitulation to the U.S. interests in gutting the Canadian Wheat Board.

In the interests of trying to find some silver lining in that cloud, could the Leader of the Government tell us whether her government has secured any trade concessions from the U.S. in return for this initiative to gut the Canadian Wheat Board?

Senator LeBreton: The honourable senator must get over this anti-Americanism that is permeating the Liberal Party on all fronts.

The fact is we are dealing with the United States on a professional basis. The honourable senator talks about the border. Nothing had been done about the border. Thanks to the efforts of our government, the Prime Minister, Minister Day and our ambassador in Washington, we were able to successfully convince our American trading partners that it was not in their interest, or in our interest, to cause difficulty at the border. That resulted in the vote that postponed the issue until 2009. Yesterday, there was some progress made on the type of identification that eventually will be used.

With regard to the Wheat Board, the plans for a marketing choice system were well known by the electorate. We campaigned on that issue in the last election. The Minister of Agriculture is in the process of addressing that matter.

With regard to the sugar beet industry, at the moment, as far as I know, there are no tariffs or restrictions on our sugar beet thick juice.

I simply do not accept that somehow or other we are not acting in the interests of Canadian producers in all sectors.

Senator Mitchell: Honourable senators, we are by no means opposed to or anti-American. We were thinking that, perhaps, this government could actually walk and chew gum at the same time. I am talking about dealing with the United States and thinking about creating relationships with other countries as well, countries such as China.

Once the government is finished with the Canadian Wheat Board, how long before they kill the livelihood of thousands of farmers across this country by sacrificing supply management, which, believe it or not, the Prime Minister once described as "a government sponsored price-fixing cartel"?

Senator LeBreton: I do not know where the honourable senator gets some of this stuff. It is actually quite amusing.

• (1355)

I do not accept the premise of the honourable senator's question, as I said earlier. This government is working on several fronts to improve our trade relationships, not only with our neighbours to the south. Minister Emerson is working diligently on the Asia-Pacific region, and we are working with the European Union and our potential markets. I can stand here proudly and say that I have every confidence that this government is working very hard in all sectors in the interests of the Canadian public.

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I have a supplementary question in regard to the Wheat Board. I believe this is the first time I have heard a confirmation that the government's decision is that it will respect the provisions of the existing legislation, and that is to proceed with an organized vote of wheat and barley producers in the region affected to determine the question of whether the single-desk selling function of the Wheat Board should be continued in respect of those commodities.

However, there is another matter we should raise in the context of the Wheat Board, and that is the ability for those producers to be informed about what it is they are voting on and the Order-in-Council, at the request of the Minister of Agriculture, to prevent the Wheat Board from disseminating information on what it thinks are the advantages of the single-desk selling system.

By way of further preamble, which I will attribute to Ray Martin, an Alberta MLA, the Government of Alberta has spent something like \$3 million over a fairly recent period of time in promoting a no vote to the single-desk selling function.

Can the minister assure us that there will be a process presumably to take the gag off of the Wheat Board and to ensure that there is a way for information about the pros and cons of single-desk selling to be disseminated so the producers can make an informed decision?

Senator LeBreton: As the honourable senator knows, being from Western Canada, the producers are either on one side or the other of this issue. There is no gag order on directors of the Wheat Board. They may speak as individuals in defence of what they believe is the better system, in their case the single-desk system. There has never been any intention for directors not to be able to speak freely and openly.

However, I do not believe that in any situation it would be fair to both sides if the Wheat Board were to use its resources to make the point for its side of the story. Certainly, the intention was for the directors to be free to speak their minds — they would in any event — but the resources of the Wheat Board should not be used to cause an unfair imbalance in the debate.

Senator Hays: Honourable senators, the question still stands because, as I mentioned, there are heavy spenders in this area — such as the Government of Alberta and some \$3 million. The directors can speak, but to communicate effectively resources are required. One way or another, I think we would all want an informed vote by the producers.

The Leader of the Government may not have an answer right now, but what are the government's plans or what is its position on ensuring that adequate resources are available to both sides of the question so that the voters, who will decide the fate of the single-desk selling function, are informed?

Senator LeBreton: I was raised on a farm. The farmers that I know — and I am sure it is the case with wheat producers — are fully informed on both sides of the issue, and I do not believe that resources should be provided for either side. It is like any contest. One side should not have an unfair advantage over the other. I have great faith that when the wheat producers vote it will be from a position of being fully informed. I cannot imagine that anyone who has been involved in the wheat-producing industry over the last several years would not already have an opinion on one side or the other.

• (1400)

I want to reiterate that the individual members of the Canadian Wheat Board can certainly use their own personal resources or their ability to get the media to sell their side of the story. That is the way democracy works.

Senator Hays: Honourable senators, there is a vocal group that is in favour of the measures and another that is against them. That does not mean to say that everyone in between is well-informed and in a position to make a good judgment. The board has played differing roles over a long period of time. I submit that it is a complex question, not one that can be answered easily, unless one takes a hard ideological position one way or the other. I believe most of the producers fall between the two ends.

I will leave the question with the minister and request that she take back to the government the position that there be some means or policy to ensure that the producers who will vote on this will have an opportunity to be informed.

Senator LeBreton: Honourable senators, our party campaigned on giving western farmers marketing choices in terms of their product. I do not accept the argument that Canadian citizens, and particularly people as well informed as farmers and wheat growers, expect us to provide government funding — taxpayers' dollars — for one side or the other to be able to present its position. I do not accept that premise.

[Later]

Hon. Leonard J. Gustafson: Honourable senators, my question is for the Leader of the Government in relation to the Canadian Wheat Board. It is my understanding that the government's intention was to give the choice of either marketing or selling through the Wheat Board. There is an opportunity here for us to explore. The comment I hear coming from the other side is that it is all or nothing, which is not the case. My understanding, unless I am not hearing properly, is that it is a matter of choice — every farmer will be given a choice. Will he sell and market his own grain, or will he market his grain through the Canadian Wheat Board? Am I right in my assumption or am I wrong?

Senator LeBreton: The Honourable Senator Gustafson is absolutely right. As I mentioned to Senator Hays, we on this side have had the benefit of Senator Gustafson's particular expertise in this area. That is why I can say with great certainty

that the members of the farming community, especially the wheat growers, know where they stand on these issues. They do not need a government-funded program on one side or the other to tell them how to think.

We campaigned on this subject. People in the western region voted for their MPs and were fully cognizant of the platform of the Conservative Party in the last election, which included the right to choose in this regard.

FINANCE HUMAN RESOURCES AND SOCIAL DEVELOPMENT

FUNDING FOR LITERACY PROGRAMS

Hon. Joyce Fairbairn: Honourable senators, my question is for the Leader of the Government. Yesterday, I spoke of the future of our sugar beet industry facing the trade challenges that are coming from across the border in the United States.

Last week, during our break, an issue that was equally compelling in Lethbridge and across the country was the reality of the government's recent cutback of \$17.7 million from the literacy movement in Canada.

My question is as follows: Does the government intend to continue annual funding for the associations that have guided this issue, specifically, the Movement for Canadian Literacy, Laubach Literary of Canada, Frontier College, ABC CANADA, La Fédération canadienne pour l'alphabétisation française, the National Adult Literacy Database and, finally, our newest one, the National Indigenous Literacy Association?

Some financing has popped up here and there, but these groups have been the heart and soul of the literacy movement. Those who need their help most are fearful that they will lose their base. I agree that \$81 million is a lot of money, and the Leader of the Government keeps saying that. I should like to know whether part of that \$81 million is finding its way into preserving these foundations and, if not, where this money will be spent. Could the government release a detailed breakdown on how this financing will be distributed? Nobody knows. Doors are closing; people are frightened.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I was prepared yesterday for a literacy question, but in any event I will outline — and you will pardon me for reading — where some of our spending is intended to go.

The government is proud to support literacy, which enables Canadian citizens to improve their skills and prepare for better futures. In that regard, \$28 million will be spent this year for the Enhanced Language Training Initiative, which includes the new Canada-Ontario immigration agreement; \$900,000 for the Essential Skills and Workplace Literacy Initiative from the Department of Human Resources and Social Development; and \$73 million over two years for the Workplace Skills Initiative. As well, \$2.6 million will be allocated over two years for the Aboriginal elementary and secondary education program; \$4.6 million for Industry Canada's computers for school

programs; \$1.5 million for the adult education skills development in Prince Edward Island; and \$63 million a year for the Sector Council Program, which supports workplace skills and literacy programs in key economic sectors.

• (1405)

Senator Fairbairn: I appreciate the honourable senator's answer and will certainly look at those figures with great interest. I will have to look at the figures in Hansard because I am trying to connect them with the amounts that were in the 2005 February budget that we had put forward. I am curious as to where they have gone. The figure was \$5 billion over five years to build a framework for early learning and child care initiatives in collaboration with provinces and territories. We know that is gone. However, there was an additional \$120 million over five years to improve the special education program for First Nations children living on reserves; \$398 million over the next five years to enhance immigrant settlement and integration programs and improve client services for newcomers to Canada; \$125 million over three years for the next step in the Workplace Skills Strategy; and then there was the \$30 million for the National Literacy Secretariat, which of course no longer exists.

There are gaps. Some of the literacy groups across the country have been in place for a long time, such as the Movement for Canadian Literacy, and some of them are quite new, such as the National Indigenous Literacy Association. The people who have produced the programs on the ground have done a great job in connecting and helping people. Will they continue to be funded by some part of the program that the honourable senator has outlined?

Senator LeBreton: We could get into a debate about one election platform versus another. The fact is that we were elected as the government on January 23 and have made it clear how we intend to govern. Some may agree and some may disagree, but we cannot respond to a platform that the honourable senator has just read from, the budget of last year, which was rejected by the Canadian voter.

As I have said to the honourable senator in response to many of her questions, some of the people who are concerned about or interested in the issue of literacy will not lose their interest simply because there has been a change in the way this government will fund literacy programs. I cannot stand here and make commitments that this group or that group will continue to be funded. I am simply outlining what we are planning to do.

As I said the other day, I believe that in six months' time many of these assumptions will have been proven to be incorrect. Rather than worrying about things that have not happened or may not happen, let us give our initiatives a chance, and if, in six months' time, what I say has not turned out to be true, then the honourable senator can come back and question me about it again.

• (1410)

Senator Fairbairn: As the Leader of the Government in the Senate noted, this was a budget, not an election program, because we already had a foundation for literacy.

My question for the Leader of the Government is: Will these groups that have been formed over the years, going back in time to Mr. Mulroney's period, and rightly so, still have support from

her government? They are not overnight creations, nor were they part of a government platform. They were created by the movement with the help of government over the years. People trust them; they have been great leaders. They are helpful to any government, but they are not government creatures; they know the issue. We do not know the issue the way they do. I am simply asking: Will they be able to continue their assistance to the government? I know they would treat such an endeavour with the same enthusiasm as they did in helping our government.

Senator LeBreton: Honourable senators, the idea that somehow our government is not sympathetic to issues such as this is beyond the pale. Over the years, organizations have been developed to assist one group or another. It is impossible to commit to them forever. Some go on in perpetuity and some have sunset clauses attached to them.

For my honourable friend to ask if our government will support these groups without specifically being able to identify exactly what the group does and what they deliver in terms of direct services to people who require this help is something that I cannot answer. All I can say is that we have committed a significant sum of money to skills training and literacy programs. That is the program of our government, which I have confidence will have great success and will reach great numbers of people.

I know that right now in Canada there is a shortage in skilled trades people. A specific part of our program targets these people. That will help our economy as well as our citizens.

I cannot rise and make a blanket statement that we will offer support because the word "support" connotes spending money. I will not do that. I will say I have full confidence in the programs that I have mentioned and in the amount of money that we have set aside for literacy programs and to train workers in new skills.

• (1415)

FINANCE

STATUS OF WOMEN— FUNDING FOR EQUALITY RIGHTS ORGANIZATIONS

Hon. Lorna Milne: My question is to the Honourable Leader of the Government in the Senate. As Senator Nancy Ruth and Senator Poulin eloquently pointed out, today marks 77 years since the Privy Council made its historic ruling in the *Persons* case.

This date has particular importance in the Senate as it serves as a milestone victory for all Canadian women in the struggle for equal rights. It is also a day for reflection, and I join the honourable senators in asking whether women's rights in Canada have eroded during the past year.

With this in mind, I want to ask the Leader of the Government as a woman, to a woman who serves in cabinet, the following question: How can the recent announcement to slash the operating budget of Status of Women by almost 40 per cent and to remove the word "equality" from the mandate of the women's program be helpful to Canadian women who are trying to make a difference in Canadian society?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I am very proud of the recognition of Persons Day. As a matter of fact, it was under a Conservative government that the Persons Day awards were started, as Senator Murray will recall. It was under the Right Honourable Joe Clark in 1979 that Persons Day came into being.

The Famous Five monument — located just outside this building — came about as a result of a motion brought in this place by Senator Fairbairn, and a motion that I seconded. I have very good feelings about the whole issue.

In terms of the administrative cuts or savings in the Status of Women, there were no cuts to the programs. There was simply an administrative reallocation of funds that was duplicated between the Status of Woman and other areas in the department. I do not feel that, as a woman, I am any less equal than any other person.

Senator Milne: I thank the honourable senator opposite for her answer, but she did not really say why the word “equality” has been dropped. I am interested in what the Leader of the Government would say to organizations such as Equal Voice, Groupe Femmes Politique et Démocratie, the Canadian Health Coalition, the Canadian Federation of University Women, Egale Canada and Justice for Girls when they are told they can no longer count on Status of Women Canada for funding assistance as a result of these changes. Are the goals subscribed to by these organizations no longer worthy of pursuing? Is the Leader of the Government telling us that she and Canada’s present government do not share the interests of these organizations? Is it not time to walk the walk?

Senator LeBreton: This government supports equality in all areas, so I do not actually understand the premise of the question. We as a government, we as a population and I as a person fully recognize all equality issues, regardless of who we are talking about. Equality rights are entrenched in our Constitution and are part of us all. I do not understand why the honourable senator would question whether we support equality rights.

• (1420)

Senator Milne: In that case, could the honourable leader indicate how she would explain to these organizations what will happen to their funding?

Senator LeBreton: Honourable senators, the government has made some decisions on saving taxpayers’ dollars. I was part of the cabinet committee that searched for ways to save, and, in every single case, there was adequate funding. We did not cut programs. We simply found savings across a wide range of government programs. This is the decision of the government in the interests of the taxpayer. The government should continue to support worthy initiatives while bearing in mind that it is spending taxpayers’ dollars. When looking for savings, government should be cognizant of duplication and of areas that no longer require funding. In some cases, the cabinet committee found savings where the funding had not been spent. The government did not cut funding; rather, it put the amount back on the books because the money had not been spent.

The Hon. the Speaker: I regret to inform honourable senators that the time for Question Period has expired.

[Translation]

ANSWERS TO ORDER PAPER QUESTIONS TABLED

MINISTER OF TRANSPORT, INFRASTRUCTURE
AND COMMUNITIES—CANADA POST CORPORATION

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to Question No. 11 on the Order Paper by Senator Chaput.

MINISTER OF THE ENVIRONMENT—
GOVERNANCE OF NATIONAL PARKS PROPERTIES

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to Question No. 13 on the Order Paper by Senator Spivak.

ORDERS OF THE DAY

LEGAL AND CONSTITUTIONAL AFFAIRS

COMMITTEE AUTHORIZED TO SIT
DURING SITTING OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government), pursuant to notice of October 17, 2006, moved:

That the Standing Senate Committee on Legal and Constitutional Affairs have the power to sit on Thursday, October 19, 2006, Tuesday, October 24, 2006, and Wednesday, October 25, 2006, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

He said: Honourable senators, I move this motion in my name.

Hon. Joan Fraser (Deputy Leader of the Opposition): Could the Deputy Leader of the Government in the Senate please explain why he is moving this motion?

Senator Comeau: Honourable senators, the committee members still have a considerable amount of testimony to hear and the usual number of committee hours will not be enough to meet with all the witnesses. I consulted the Deputy Leader of the Opposition and the committee members, and everyone agreed to meet during sitting of the Senate.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

• (1425)

FINANCIAL ADMINISTRATION ACT BANK OF CANADA ACT

BILL TO AMEND—SECOND READING

On the order:

Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Meighen, for the second reading of Bill S-217, An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports).—(*Honourable Senator Comeau*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I want to thank the sponsor of Bill S-217, Senator Segal.

If passed, this bill would require Crown corporations and government departments and agencies to submit to Parliament quarterly financial reports prepared in accordance with generally accepted accounting principles.

We would be provided every three months with very comprehensive information, including a balance sheet, comparative financial information, a cash-flow statement, a statement of revenues and expenditures and a management discussion and analysis on material changes in operations.

This would mean that, instead of submitting their financial results several months after the end of the fiscal year, the departments and agencies concerned would be providing Parliament with real-time financial information, something the private sector has been doing for quite some time.

Our colleague, Senator Segal, has extensive professional experience in the area of public policy and financial administration. Until just recently, he was the President of the Institute for Research on Public Policy and taught public policy at Queen's University, in Kingston.

He also sat on numerous boards of directors in the private sector, where shareholders usually receive quarterly reports.

He knows that no director of a publicly traded company would want to make decisions based on financial data issued the previous year.

Without current information, it would be impossible for the directors to make sound management decisions in a timely manner. Fortunately, such information usually reaches shareholders and boards of directors in short order.

For example, on May 26, the largest bank in Canada, the Royal Bank, issued a report on the three-month period ending April 30. In doing so, the bank provided its shareholders and board of directors with data on its operating profit and its assets, as well as detailed information on changes in its operating environment for the quarter.

The bank prepared the report in less than a month, in accordance with generally accepted accounting principles, despite the challenge of running a network of over 1,100 branches across Canada, some 273 banking centres in the United States and 42 offices in other countries.

Once they had the information showing that the bank could afford to pay quarterly dividends, the directors announced the payment.

No director would want to have to approve the payment of dividends totalling half a billion dollars without knowing whether the company could afford to do so.

• (1430)

No director of a charitable organization would want to be asked to approve funding decisions based on information as vague as revenue projections prepared months earlier.

If a company's performance declines, its board has information allowing it to put off certain capital projects.

If it is unhappy with the management team's action plan, the board can hire new managers quickly enough to enable them to remedy the situation in time, instead of being forced to wait for six months after the end of the company's fiscal year before asking for accounts.

Using quarterly data, current and potential shareholders can make informed decisions about buying, selling and keeping shares.

In short, honourable senators, shareholders and boards of directors can ask management for reports at any time and demand that corrective measures be taken when problems arise, because they get relevant information in a timely manner.

In the July edition of *Report on Business Magazine*, two federal government crown corporations, namely Canada Post and the Canada Mortgage and Housing Corporation, were named among the top 50 corporations in Canada in terms of revenue.

However, no corporation comes near the \$200 billion the federal government spends annually. Senator Segal noted in his speech at second reading that taxpayers deserve at least the same level of assurance and information regarding federal expenditures as is offered to the shareholders of public companies.

He said that regular financial reporting would provide the much-needed alarms identifying problems and allow Parliament to step in and correct a financially difficult circumstance.

He said that quarterly reports would prevent departments from attempting to manage financial information in a fashion so recently criticized in the Auditor General's report on the long gun registry.

He also presented convincing arguments in favour of a firm financial disclosure policy and frequent disclosure to Parliament, which would lead to more openness and accountability.

He justified passing his bill by the fact that these days, most expenditures are approved beforehand and initiated long before we receive up-to-date information on revenue and expenditure plans from the various departments.

The public accounts are usually submitted six months after fiscal year end. Annual reports from crown corporations trickle in slowly in the fall.

Senator Segal expressed his concerns in an article he wrote in the *National Post* on June 20, 2006, and I quote:

When you combine this huge reporting deficiency with the absence of detailed pre-consideration by Parliament of the spending estimates, it becomes clear just how far Canada's Parliament has drifted from the Magna Charta principle of prior approval and control of how the King spends your tax dollars.

The current practice of retroactive annual reporting — looking back on government departments' and Crown corporations' accountings — means that parliamentary governance no longer takes place in real time.

Rather, this method of financial reporting only succeeds in highlighting department inadequacies and failures long after remedial action is possible.

It works well if the goal is to finger-point and lay blame, but it does nothing for actual parliamentary control. Enforced quarterly reporting would be a real time contribution to awareness of public finance before the horse has left the barn.

Honourable senators, the billion dollar gun registry scandal might not have occurred if Parliament had been informed of the changes that the department was making to its spending plans, when these changes were being made.

We might have known a little sooner that the anticipated revenues from the registry existed only on paper. Alternatively, we would have found out sooner than we did that the air traveller security charge was generating revenues far in excess of what was needed to administer Canada's airport security system.

Honourable senators, the Conservative government is committed to improving accountability. If we can demonstrate that this is feasible, this bill will complement the provisions of the federal accountability act, which is already before Parliament, and also other initiatives undertaken by the new Government of Canada.

[English]

The Hon. the Speaker: Order! Pursuant not only to a house order but also to our rules, I remind honourable senators that BlackBerries are out of order in this place. I call upon all honourable senators to respect the rules and maintain order.

[Translation]

Senator Comeau: For example, to bring greater transparency to the government's planning framework, and to enable Parliament to hold the government accountable for its actions, the federal

accountability act provides for the establishment within the Library of Parliament of a position to be known as the Parliamentary Budget Officer.

The officer will provide objective analyses to Parliament concerning the country's finances and economy, thereby giving us the objective information we need to assess the government's financial proposals.

In addition, the government is committing to providing quarterly updates on its overall financial situation. Bill S-217 goes even further by requiring the departments to submit similar reports.

As I mentioned at the beginning of my speech, Senator Segal's proposal provides that the reports shall be prepared in accordance with generally accepted accounting principles using the accrual accounting method. This would give us a more accurate picture of the costs associated with government expenditures and revenue producing measures.

I know that, for people who have no training in accounting, the mere mention of terms such as "generally accepted accounting principles" and "accrual accounting" is likely to provoke extreme boredom.

In summary, they mean that expenses are accounted for at the time they are incurred, regardless of when they are paid, and that income is recorded when it is earned, regardless of when it is received.

Furthermore, if you buy something that you expect to last five years, you write off the expense over five years, rather than all at once, because you have exchanged one type of asset — cash — for another — a car or a computer.

That is how the private sector keeps its books. A few years ago, the government began to keep annual public accounts according to the accrual accounting method and has since presented its federal budget estimates that way.

Henceforth, the government will also present the Departmental Performance Reports based on accrual accounting. In order to implement several elements of the accountability plan, the departments will have to significantly change how they operate. This will also be the case for the preparation of the quarterly reports set out in Bill S-217. Additionally, the departments will have to ensure that they factor in their quarterly expenditures and revenues based on the accrual accounting system.

• (1440)

Honourable senators, having read Bill S-217, I believe that it represents a positive step. Amendments may be needed to improve it. If so, official representatives and other witnesses will report to us in committee. Nevertheless, since this bill is likely to enhance accountability, I believe it warrants a more detailed review. I support this bill at second reading.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

[English]

Hon. Lowell Murray: Your Honour, the honourable senator's speech was on Bill S-217. This was Senator Segal's motion, was it not?

Senator Comeau: Yes.

Senator Murray: He is not in his place at the moment, but might he like to close the debate?

Senator Comeau: Without referring to the presence or not of any senator, but given that the honourable senator is not in the chamber at this moment, I do know that Senator Segal has indicated that if I did make this speech and no other senator wished to make comments that he would like the bill to be referred to committee.

Senator Murray: Fair enough. I wanted to be sure that his rights were not being abridged.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

[Translation]

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Comeau, for Senator Segal, bill referred to the Standing Senate Committee on National Finance.

CRIMINAL CODE

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Banks, for the second reading of Bill S-206, to amend the Criminal Code (suicide bombings).—(*Honourable Senator Comeau*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I ask that the debate be adjourned in my name so that the item may be rolled over. The government spokesperson was hoping to attend yesterday, but was prevented by circumstances beyond his control.

The Hon. the Speaker: Is it agreed, honourable senators, that the adjournment of the debate remain in the name of Senator Comeau?

Hon. Senators: Agreed.

On motion of Senator Comeau, debate adjourned.

[English]

STUDY ON NATIONAL SECURITY POLICY

REPORT OF NATIONAL SECURITY AND DEFENCE COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the consideration of the fourth report, as amended, of the Standing Senate Committee on National Security and Defence, entitled: *Managing Turmoil, The Need to Upgrade Canadian Foreign Aid and Military Strength to Deal with Massive Change*, tabled in the Senate on October 4, 2006.—(*Honourable Senator Fraser*)

Hon. Colin Kenny: Honourable senators, in light of yesterday's debate and the vote that took place in the chamber on the motion that passed, I should like to move, seconded by Senator Moore:

That the order for the consideration of the fourth report of the Standing Senate Committee on National Security and Defence, as amended, be removed from the Order Paper and that the report be referred back to the Committee with an instruction to implement the amendment in form and substance approved by the Senate on October 17, 2006; and

That the amended fourth report be tabled in the Senate no later than November 21, 2006.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I have a question for the chair of the committee.

Would he explain what amending in "form and substance" would involve? I assume, but I should like Senator Kenny to confirm for me, that he is not just talking about a pure mechanical deletion of the words "Goose Bay" wherever they appear in the report but that he is talking about a rewriting of the report in those sections where it would be necessary in order to reflect the spirit of the vote in this place yesterday. Is that a correct assumption?

Senator Kenny: Honourable senators, the honourable senator's assumption is correct. That is why the word "form" appears in my motion. The motion passed yesterday calls for the words "Goose Bay" to be deleted.

The reason I made the comments I made in my preamble is that I was conscious of Senator Rompkey's concern, reflected in his remarks, about some of the adjectives that were used, and words of that nature. It was intended to provide for a complete rewriting of that section of the report relating to footprint, without a specific reference to any particular location, taking into account Senator Rompkey's comments about language.

Hon. David Tkachuk: I, too, have a question for the honourable senator. Can he inform the Senate as to the number of copies of this report that have been printed and distributed?

Senator Kenny: I shall have to take that question as notice and advise the honourable senator at a later time. I do not have a precise count. I shall endeavour to get that information to Senator Tkachuk.

Senator Tkachuk: With regard to the copies that were printed, was the machinery of distribution already in place and were some copies of the report mailed out?

Senator Kenny: I would have to take that question as notice, honourable senators. I can assure the honourable senator, however, that some copies were mailed out. As to whether the mailing was complete, I have no idea. I can tell honourable senators that none were mailed out since yesterday.

Senator Tkachuk: Will the copies that were mailed out have to be recalled?

Senator Kenny: No, Senator Tkachuk.

Hon. Lowell Murray: Honourable senators, I am at a disadvantage because I do not have a copy of the motion that the honourable senator has just made. However, I should like to make one or two observations.

I let it go by initially because I thought my friend was bringing in a vehicle so that he could do today what, unfortunately, was denied to him yesterday, that is, the opportunity to adjourn the debate and make a speech. I do not get the impression that the honourable senator intends to speak to the motion he has just presented. That raises a question as to the purpose of the motion and, indeed, whether it is necessary.

The motion that was passed yesterday does not, contrary to what the honourable senator has said, simply say that "the words Goose Bay be removed". It states, "That all references to CFB Goose Bay (Labrador) be removed..." That could be read as deleting most of pages 53, 54, 55 and 56, and not that just the words "Goose Bay" be deleted.

• (1450)

Why do we need to pass a motion instructing the committee to do something in form and substance that I believe we did yesterday by motion? My friend suggests that, after they do whatever it is they will do, the committee will bring the amended report back, but the report has been amended. It is before us as amended. Therefore, the purpose of this motion is not clear to me.

That being said, I want to be clear that I thought yesterday, and continue to think, that my friend, the chairman of the committee, should have had the opportunity and should still have the

opportunity to speak to his report, at which point others may or may not want to take part in the debate.

I guess I am standing on a point of order. Is the motion that the chairman of the committee brought forward called a work of super-arrogation? I do not know. It is instructing the committee to do something that the Senate has already done by motion yesterday. That would be my view, without having seen the text of the motion that my friend has presented.

The Hon. the Speaker: Honourable senators, if the house was to accept the motion of Senator Stratton, that would also afford time for all honourable senators to obtain a copy of the motion, which would solve many questions.

Hon. Terry Stratton: It is precisely for that reason that I adjourned the debate.

[Translation]

Hon. Fernand Robichaud: Honourable senators, Senator Murray rose on a point of order. Should we not deal with that before addressing the motion that Senator Stratton will be putting forward?

[English]

The Hon. the Speaker: The chair understood that Senator Murray said, "Maybe I am raising a point of order," and I was seizing on that "maybe." Knowing that all honourable senators are at a disadvantage in that we do not have a copy of the given motion, and given that Senator Stratton had already indicated to us and has kindly held back his motion of adjournment so that some exchange could take place, perhaps the house would be best served by recognizing Senator Stratton and hearing his motion to adjourn the debate.

On motion of Senator Stratton, debate adjourned.

POINT OF ORDER

Hon. Joan Fraser (Deputy Leader of the Opposition): I rise on a point of order. I use that phrase, Your Honour, because if Senator Murray resumes a discussion on a point of order, I would not like to think that we had sacrificed our right to speak to that point of order when we resume debate on this matter. If he chooses not to turn it into a point of order, we shall proceed.

STATE OF LITERACY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Fairbairn, P.C., calling the attention of the Senate to the State of Literacy in Canada, which will give every Senator in this Chamber the opportunity to speak out on an issue in our country that is often forgotten.—(*Honourable Senator Jaffer*)

Hon. Catherine S. Callbeck: Honourable senators, this inquiry is presently adjourned in the name of Senator Jaffer, so I would like to speak and have it adjourned in her name, unless Senator Chaput wishes to speak after me.

It is a great pleasure to rise and take part in this discussion on the issue of literacy. I first want to congratulate and commend our colleague Senator Fairbairn for raising this inquiry. She has provided outstanding leadership on this vital issue over the past number of years and has been among the foremost advocates for improving literacy programs across Canada. As she has said, we need to accelerate our efforts and heighten our resolve to improve the levels of literacy in this country. For a country such as Canada, far too many people do not have the opportunity to become fuller members of our society because they lack the requisite skills so essential to their well-being and their quality of life.

It is somewhat ironic that at the same time Senator Fairbairn was raising this issue and emphasizing the need for more support and resources for literacy initiatives, the Conservative government was in the process of cutting funds for literacy and adult learning programs. It is shocking that at a time when our economy is demanding more skilled workers and a greater investment in the development of human resources, the Conservative government is in fact dismantling programs that help promote and encourage higher participation in the work force. It is all the more shocking that these funding cuts are taking place while Canada is showing a \$13.2 billion surplus.

It is also disheartening because just as many of these programs across the country were raising the level of literacy, those efforts are now being undermined by a government that should be increasing, not reducing, its support for those programs. In my home province, the lost federal literacy funding, by which I mean the \$17.7 million that the Conservative government has just cut, provided for numerous family literacy projects and community literacy programs across Prince Edward Island.

I believe very strongly that support for literacy and learning is an investment, not a cost. I believe that, as a society, we have a responsibility to help all citizens achieve their full potential. We must help ensure that all Canadians can gain the skills and knowledge they need to improve their standard of living and their quality of life.

It is a national tragedy that fully more than four in ten Canadians lack the skills they need to become full and productive members of our society, that many older people are at risk in dealing with some of the day-to-day tasks they face, such as following directions on a medicine bottle, and that too many people of all ages and ethnic backgrounds lack the literacy, problem solving and communication skills they need to enjoy a better quality of life.

• (1500)

Not only will Canadians enjoy a better quality of life, but the country's entire economy will benefit from their improved skills. A study completed by the C.D. Howe Institute in October of last year came to the conclusion that improving the overall levels of literacy skills has a significant impact on economic performance. Increasing literacy skills by one level, that is, taking those with a lower literacy skill and improving them to a higher level, has a direct impact on productivity and economic growth.

According to the C.D. Howe Institute, increasing the literacy skills by one level will increase Canada's productivity by 2.5 per cent and would increase the gross domestic product by a

full 1 per cent. Those gains would translate into an additional \$18 billion annually to our economy.

There is yet another dimension to the fundamental need for higher levels of skills in this country. As everyone recognizes, our country is being transformed. We are in a knowledge-based economy, which puts a premium on know-how. The number of jobs requiring post-secondary education is expanding, while the number of jobs requiring less than high school is declining. What is to become of those workers who are being displaced by technological and other changes? How will they be retrained so they can continue to be productive members of their communities? Unless and until they have the skills to undertake retraining or upgrade their qualifications, they will continue to fall behind. That is what makes basic literacy skills so critical.

In light of the increased economic and social benefits of improved literacy and learning, it is unbelievable that the Conservative government has cut \$17.7 million from literacy and essential skills training, especially when the country has a surplus of \$13.2 billion. In so doing, the government is rendering a gross disservice to those who need such training the most. This program cut will affect some of the most vulnerable people, further perpetuating the differences and the disparities between those who are disadvantaged and those who are not. This funding cut is also short-sighted. This government refuses to recognize that expenditures for literacy and learning are an investment, not a cost.

This view is shared by many Canadians across this country, Canadians who recognize and appreciate the need to improve the levels of literacy and who see the value and importance of literacy, not just to individuals or to families, but to society as a whole. I commend and congratulate the many groups and organizations who have worked hard in this field to bring about change in people's lives.

Make no mistake about it, improving literacy has real benefits to individuals and to society. Existing programs are working, success is being achieved.

In my home province of Prince Edward Island, a number of successful programs never would have happened without the federal support that has just been cut. The annual federal-provincial grants of \$325,000 have allowed the provincial government, through its Literacy Initiative Secretariat, to develop and implement the following: Workplace Education PEI, a partnership of business, labour and government, which aims to ensure the availability of workplace literacy programs; the StorySacks Program, a hands-on family-literacy activity to give parents with low literacy skills the confidence to enjoy books and reading with their children; Project L.O.V.E., a project in which older volunteers help struggling young readers in schools; and, the Literacy and Adult Basic Education Program at Holland College, which sees about 1,000 Islanders a year improve their literacy or finish grade 12, all at no cost.

In addition, the Prince Edward Island Literacy Alliance, with a limited budget but a great deal of commitment, has been accomplishing great things by bringing people and organizations together, creating partnerships to improve literacy and learning in the province.

For example, the PEI Literacy Alliance offers bursaries and scholarships to adult learners so that they can further their education. The alliance also operates the LEARN line, a telephone number that Islanders can call for assistance and direction to literacy services. As well, the PEI Literacy Alliance sponsors a summer tutoring program for youths, a free tutoring program for students who need help maintaining or improving their literacy skills over the summer.

Without the reinstatement of that \$17.7 million that the Conservative government has just cut, the Literacy Alliance of Prince Edward Island has announced that it will close March 31, 2007.

It has been said that the Conservative government's decision to make these funding cuts is the biggest setback to literacy in the last 20 years. Since the cutting of these valuable and much needed programs, a great deal of concern has been expressed all across this country. Canadians know that by improving literacy levels we have a great opportunity to contribute to the Canadian economy and to improve everyone's quality of life. They know that improving literacy is not something that schools or governments can do alone, but only when all partners, including the federal government, work together.

Honourable senators, once again I commend and I congratulate Senator Fairbairn for raising this issue, particularly at this time. The honourable senator has called for action to bring down this barrier that causes 42 per cent of adult Canadians to be at risk every day from the lack of basic reading, writing and communication skills. This means that they cannot be full and productive members of our society. As the honourable senator has said, this is an issue that crosses all party lines.

I encourage all senators to join in supporting this initiative.

[Translation]

Hon. Maria Chaput: Honourable senators, a few days ago, I condemned the current government's untoward decision to abolish the Court Challenges Program. Today, I rise again to ask the government and its representatives in the upper chamber what credible explanation they can provide to justify slashing the budget for literacy programs.

Once again, the ones being penalized by these cuts are the less fortunate, citizens who rely on us to learn to read, write and count, skills required of every citizen in order to be able to lead a happy and productive life.

What does this Conservative government do? It cuts funding for the disadvantaged, the very people we should be assisting to minimize negative impacts in the long run.

The Francophone and Acadian minority communities felt this announcement from the government hit like an atomic bomb on the organizations and services that promote literacy across the country.

Budget cutbacks to the tune of nearly \$18 million hurt these agencies that already have to do so much with so little.

The Fédération canadienne pour l'alphabétisation en français felt this decision would cause untold harm to Canadian society. The government's decision will close down several programs, centres and organizations that offer literacy services to thousands of adult learners in Canada.

The disappearance of these provincial and territorial organizations will leave a void that cannot be filled by anyone else.

• (1510)

[English]

Until September 25, 2006, Canada had a National Literacy Secretariat that provided \$42 million a year to adult learning programs. The secretariat was set up by former Prime Minister Brian Mulroney in 1986. It worked with the provinces, the private sector and hundreds of voluntary organizations.

Until two weeks ago, Canada had a network of non-profit literacy organizations extending into every corner of the country. Now there is nothing to connect the pieces of the network; the infrastructure is gone.

The real victims are the 9 million Canadian adults whose inability to read is holding them back. Approximately 5.8 million cannot cope with the demands of a typical workplace; the remaining 3.2 million cannot read a medicine bottle, a job application, an election ballot or their child's report card. Some are immigrants, some were born here, some made bad choices, some had no choice but to quit school.

It is too early to say which, if any, of the provinces will take over the literacy programs Ottawa is shedding. The outlook seems to be best in Ontario and Quebec, worst in Newfoundland, Manitoba, Saskatchewan and the North.

Nor is it clear how national organizations such as the ABC CANADA Literacy Foundation will serve their clients. These national organizations depended on their provincial partners to deliver programs, provide training for volunteers, support local groups and reach out to people who need help.

When you take away the provincial coalitions, the organizations that use them no longer have a backbone. That means the learners do not receive the same quality of help, said Margaret Eaton, President of ABC CANADA Literacy Foundation. It is hard to understand why the federal government is leaving so many groups in the lurch.

[Translation]

In my home province of Manitoba, the impact is negative. In our province, the organization called Pluri-elles (Manitoba) Inc. helps adults and families improve their literacy skills and their knowledge of French. According to Pluri-elles' director general, Mona Audet: "This is putting us ten years back. All the efforts made by the staff and learners are going to be lost." Indeed, over the past 16 years, this organization has set up 13 small literacy centres across the province to accommodate people living in urban, rural or remote areas.

Following the Harper government's decision, Pluri-elles' board of directors made the tough decision to close nine of its centres. These closures will impact on the following communities: Laurier, Lorette, Notre-Dame-de-Lourdes, Saint-Jean-Baptiste, Saint-Laurent, Saint-Lazare, Saint-Malo, Sainte-Anne and Sainte-Rose-du-Lac. These communities are the farthest ones from Winnipeg.

The situation is no better elsewhere in the country: in New Brunswick, the Harper government's decision will put an end to the activities of the Fédération d'alphabétisation du Nouveau-Brunswick, which has called the decision "immoral." This is happening at a time when many studies show that the situation is alarming and worrisome in New Brunswick, where 66 per cent of francophone Acadians have serious difficulties in reading, writing and arithmetic.

At the other end of the country, in Alberta, the organization promoting literacy for adult francophones, Eduk, was also shocked by the federal government's announcement. As we know, a recent study was conducted by the Organization for Economic Co-operation and Development. The OECD is based in Paris and has 30 member states, including Canada, cooperating with 70 other countries around the world to promote adult literacy and life skills. Its study revealed that 42 per cent of all adults in Canada do not have the basic skills required to fully participate in our economic or social life.

[English]

An article in the September 28 edition of the *Regina Leader-Post*, under Kerry Benjoe's byline, began with the following sentence:

Thanks in part to cuts in literacy funding by the federal government, the Saskatchewan Literacy Network is to close its doors after 17 years of service.

Honourable senators, the disappointment, deception and anger is nationwide. Last week's email wave of protest is a strong indication and a clear message for this.

At this point, I wish to read to honourable senators excerpts from an open letter written by Literacy Partners of Manitoba.

On September 25th the new Government of Canada announced a cut \$17.7 million to adult literacy.

In Manitoba, the amount cut is \$780,000. This money was used to support pilot projects, produce innovative materials and research, and provide training opportunities for learners and tutors....

Literacy coalitions were started by the Mulroney government to provide service to literacy programs — services not supported by provincial funding. They were to leverage resources and develop partnerships to support adult and family literacy.

Literacy Partners puts our energies and the dollars from federal, provincial and foundation grants, and from fundraising and donations, into projects that deliver real results and services for the 290,000 working aged low literate Manitobans. It works!

Over the past 18 months Literacy Partners has:

...partnered with CanWest's Raise-a-Reader program and distributed \$17,000 to family literacy programs;

worked with CanWest Raise-a-Reader and public libraries to collect and distribute books to local and regional literacy programs during I Love to Read month;

partnered with the Thompson Regional Library and Perimeter Airlines to distribute books at no cost to Aboriginal communities; (over 12,000 books from these two initiatives);

initiated an internationally recognized family literacy project for the immigrant population in Winnipeg;

recruited more than 100 volunteers to work in literacy programs;

provided access to over 5,000 resources, from our literacy library, with free delivery anywhere in the province.

[Translation]

Honourable senators, this cannot continue. Cuts to essential programs have created an atmosphere of uncertainty, I would say even alarm, as everyone is wondering who will be the next victim. In conclusion, I would like to quote a passage from a press release dated October 15, 2006:

The Fédération acadienne de la Nouvelle-Écosse is reluctant to criticize the recent budget cuts made by the Harper government, for fear of jeopardizing long-term funding for Acadian organizations. Those who attended the annual general meeting of the Fédération acadienne de la Nouvelle-Écosse hesitated to denounce the budget cuts announced by the Harper government, cuts to more than 12 programs considered essential to their survival. They feared that any steps taken against the government would hamper negotiations underway with Ottawa concerning long-term funding for Acadian organizations.

Honourable senators, it is shameful to treat minorities in this manner.

[English]

The failure of this cabinet to fully comprehend the consequences of this decision and other cutbacks is very upsetting, and the government should be ashamed of itself.

Hon. David Tkachuk: I may not have heard properly, but I understood the honourable senator to have said that there were 9 million people who were not literate in Canada.

Senator Chaput: Nine million Canadian adults whose inability to read is holding them back.

Senator Tkachuk: Does that include people who are not able to read English because they are recent immigrants, or are those in addition to the 9 million people — which, to me, is about half the adult population of Canada?

Senator Chaput: I am sorry, I cannot answer that question because I do not know.

Senator Tkachuk: Are the 9 million people fairly evenly distributed across the country? It seems to me, as a former school teacher, a terrible indictment of our school system, more than anything else. I am just asking, are these people evenly distributed across the country?

• (1520)

[Translation]

Senator Chaput: Honourable senators, I am not sure whether my information is correct, so I will get back to you once I have checked it.

[English]

Senator Tkachuk: I would adjourn the debate.

Senator Chaput: Honourable senators, Senator Jaffer asked that the motion to adjourn the debate be in her name.

The Hon. the Speaker pro tempore: Honourable senators, is it agreed that debate be adjourned in the name of Senator Jaffer?

Some Hon. Senators: Agreed.

Senator Tkachuk: I moved adjournment of the debate.

The Hon. the Speaker pro tempore: It is moved by the Honourable Senator Tkachuk, seconded by the Honourable Senator Champagne, that debate be adjourned to the next sitting of the Senate. Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[Translation]

THE SENATE

MOTION TO ACCOMMODATE SENATORS SPEAKING ANCESTRAL LANGUAGES—ORDER STANDS

On the Order:

Resuming debate on the motion of the Honourable Senator Corbin, seconded by the Honourable Senator Bryden:

That the Senate should recognize the inalienable right of the first inhabitants of the land now known as Canada to use their ancestral language to communicate for any purpose; and

That, to facilitate the expression of this right, the Senate should immediately take the necessary administrative and technical measures so that senators wishing to use their ancestral language in this House may do so.—(*Honourable Senator Comeau*)

Hon. Eymard G. Corbin: Honourable senators, I am not taking part in the debate, because I have already spoken, but I have a question for Senator Comeau, if he is willing. In response to a question I asked him on June 28, 2006, Senator Comeau replied to the Senate, and I quote:

Honourable senators, the repercussions of adopting this motion could be very significant, which is why I intend to indicate where I stand on the issue in the fall.

Fall arrived more than 20 days ago, and everyone knows that it will end on December 20 or 21. In Canada, we generally consider that winter starts when the ground freezes and the first heavy snowfall comes. I would ask Senator Comeau whether he intends to speak soon.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, to my knowledge, the maples are still red and it is still fall. Of course, I will make my comments before the first heavy snowfall comes to Nova Scotia.

Senator Corbin: Honourable senators, I have lived in Nova Scotia and I can remember when the first heavy snowfall did not arrive until January 15.

Senator Comeau: Honourable senators, seriously, I intend to make my comments very soon.

Order stands.

The Senate adjourned until Thursday, October 19, 2006 at 1:30 p.m.

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Thursday, October 19, 2006



THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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THE SENATE

Thursday, October 19, 2006

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

THE LATE HONOURABLE MARK LORNE BONNELL

The Hon. the Speaker: Honourable senators, I have received a notice from the Leader of the Opposition who requests, pursuant to rule 22(10), that the time provided for the consideration of Senators' Statements be extended today for the purpose of paying tribute to the Honourable Lorne Bonnell, whose death occurred on October 9, 2006.

I would remind senators that, pursuant to our rules, each senator will be allowed only three minutes and may speak only once and that the time for tributes shall not exceed 15 minutes.

[Translation]

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, today we pay tribute to a man we were privileged to have as a friend and colleague, the late Senator Lorne Bonnell, who died last week surrounded by members of his family at Queen Elizabeth Hospital in Charlottetown.

From his humble beginnings in the small rural community of Hopefield, Prince Edward Island, to his career in medicine, provincial politics and the Senate, the Honourable Lorne Bonnell's private, public and professional life was a monument to community service, conscience and social action.

[English]

Born in Hopefield, Prince Edward Island, and educated at Dalhousie University, Dr. Lorne Bonnell made a tremendous contribution to the political life of his province, as a member of the Legislative Assembly of Prince Edward Island and in the roles of Minister of Health, Minister of Welfare, Minister of Housing and Minister of Tourist Development.

Appointed to the Senate in 1971 by the Right Honourable Pierre Elliott Trudeau, Lorne Bonnell served this institution with unflinching loyalty and extraordinary dedication for nearly 30 years, chairing various committees such as the Standing Senate Committee on Transport and Communications, the Standing Senate Committee on Health, Welfare and Science and the Standing Senate Committee on Social Affairs, Science and Technology.

Perhaps his finest quality was his love for and belief in people. He spent his entire life tending to their health, be it as a medical practitioner or as a passionate and eloquent defender of medicare, advocate for seniors' rights and critic of child poverty. Moreover, he was a staunch believer in the perfectibility of human nature

through education, and one of his most lasting and valuable contributions to the deliberations of our chamber, to the future of our country, is surely the report of his Special Senate Committee on Post-Secondary Education.

Senator Bonnell was a good friend to both my father, who served in the Senate with him, and to me, and I was deeply saddened by the news of his death. His integrity, warmth and decency earned him countless friends and admirers, and his passing leaves a void in the hearts of all those who knew and loved him.

We extend our sincere condolences to his family, in particular his children, Mark and Linda, and his four grandchildren and all other members of the family.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I rise today to pay tribute to one of our former colleagues, Senator Mark Lorne Bonnell, who passed away on October 9.

I must tell you, honourable senators, that, on a personal level, when I was appointed to this place in June 1993, I, like many of my colleagues who were appointed around that time, were made to feel most unwelcome by the then Liberal leadership.

Senator Frith used the occasion to question the legitimacy of me and my Conservative colleagues. With his unkind words ringing in my ears, I was approached by Senator Bonnell, welcoming me to the Senate and wishing me well as I embarked on my new career. I was struck at the time by his extreme kindness.

While I did not know Dr. Bonnell until I was appointed to the Senate, I made it my business to inform myself of the background of all my Senate colleagues at the time. I learned that Dr. Bonnell's political career began in 1951, with his election to Prince Edward Island's provincial legislature. Over the next 20 years, he enjoyed considerable electoral success, winning re-election five more times. He held several different provincial government posts, including Minister of Health, Minister of Welfare and Minister of Tourist Development.

In 1971, Dr. Bonnell stepped down from Prince Edward Island's legislative assembly, but his absence from political life did not last long, because in November of that same year, Lorne Bonnell was appointed to the Senate of Canada. As a member of this chamber for the next 27 years, Senator Bonnell represented the people of Prince Edward Island. In particular, he championed P.E.I.'s potato producers and he was a strong advocate for the creation of a fixed link between his province and New Brunswick long before the Confederation Bridge came into being thanks to the Conservative government of Brian Mulroney.

I was impressed by Senator Bonnell's Special Senate Committee on Post-Secondary Education, which in 1997 produced a comprehensive report on the post-secondary education system, including the very first parliamentary review of the student loan system. He was also a member of the Standing Senate Committee on Social Affairs, Science and Technology, where I have an

opportunity to work with him on reviews of our legislation and on the committee's study on the health of our veterans and servicemen and women.

Although he retired from this place in 1998, Senator Bonnell remained an active figure. In 2001, in recognition of his lifetime of public service, he was awarded an honorary degree from the University of Prince Edward Island.

On behalf of all Conservative senators, I wish to extend our sincere condolences to Senator Bonnell's children and grandchildren, and his many friends and colleagues.

• (1340)

Hon. Lorna Milne: Honourable senators, I have a short, personal anecdote in respect of Senator Bonnell. He was not only a legend in Prince Edward Island, he extended a warm, welcoming hand to me when I first came to the Senate — a brand new senator in this rather strange and rather cold place. We all know how overwhelming this place can be when you first come up, and you are almost immediately drowned in a sea of paper.

I was working through such a sea of paper late one night in my office and not looking forward to a lonely meal in a restaurant when there was a knock on my office door. It was Senators Derek Lewis and Lorne Bonnell, who said that they had seen a light under my door and thought that I might be working all alone, so they invited me to join them for a Chinese meal. I almost trampled them on my way out the door, I was so grateful for the invitation.

That evening, we shared good conversation and a dry sense of humour, which Lorne Bonnell had in great measure. That was the first of a series of weekly get-togethers, mainly with senators from the Atlantic area. I have always appreciated it very much. I always appreciated Senator Bonnell's warmth, humour and his kindness to a brand new senator.

Hon. Wilfred P. Moore: Honourable senators, it is with sadness that I rise to pay tribute to the Honourable Lorne Bonnell, M.D., who passed away on October 9, 2006, in Charlottetown, Prince Edward Island.

Dr. Bonnell was born on January 4, 1923, in Hopefield, Prince Edward Island. Educated in medicine at Dalhousie University in Halifax, Nova Scotia, it is said that he delivered more than 3,000 babies over the course of his medical career.

First elected to the House of Assembly of Prince Edward Island in 1951, he was returned to office by the wise voters of 4th Kings for the next five elections — a clear indication of just how hard this man worked on behalf of his constituents and the people of his province, and how much he was appreciated. His career in provincial politics was a great success. He served as Minister of Health, Minister of Welfare, Minister of Tourism Development, Minister responsible for Housing and as Liberal House Leader.

Appointed to the Senate on October 15, 1971, by the Right Honourable Pierre Elliott Trudeau, Senator Bonnell, like his colleagues in that Liberal government, dedicated himself to the

public good. His great respect for the dignity of Canadians and the betterment of their lives would lead him, while Chair of the Standing Senate Committee on Health, Welfare and Science, to produce a report in 1981 entitled *Child At Risk*, which is regarded as a blueprint for addressing the issues faced by the youth of our country. His contributions as Chair of the Special Senate Committee on Post-Secondary Education resulted in the release of a report on the education of our youth that brought the importance of this issue to the attention of the government of the day and, on a personal note, inspired much of the work to which I have dedicated myself in this chamber.

It is with such mixed emotions that I stand here today to pay tribute to a man who touched so many lives in such a positive way over his 83 years. I am proud not only to have known the man, but also to have been mentored by him, to have been his colleague and, most important, to have been able to call him a friend. All of this is tempered, of course, by the sadness of his passing. My condolences go to his children, Mark and Linda, and his entire family. As I said on February 17, 1998, upon the occasion of his retirement from this place, "Senator Bonnell has done his Island and Canada proud...We shall miss him."

Hon. Elizabeth Hubley: Honourable senators, I am pleased to join in the tributes to the late Senator Bonnell, a remarkable Islander and a truly great Canadian. For most people in my province, Senator Bonnell was a living legend, having accomplished so much during his lifetime in his chosen profession of medicine and in the realm of politics and government. He was a man of great energy and purpose with a desire to make a difference in the lives of others.

Senator Bonnell was a member of the cabinet of PEI's former Premier Alex B. Campbell at a time when Prince Edward Island was undergoing tumultuous social and economic change. As the then-Minister of Health, he introduced polio vaccination for children and the pasteurization of milk to prevent tuberculosis. He served as Minister of Health, Tourism Development, Welfare, and Minister responsible for Housing during his time in provincial politics.

• (1345)

In 1971, he was appointed by Prime Minister Trudeau to the Senate of Canada. Over his long and distinguished career in the Senate, he was deputy chair of the Subcommittee on Veterans Affairs, where he fought to secure pensions for the widows of veterans and their families. In addition to other committee work, in 1997 Senator Bonnell also chaired the Special Senate Committee on Post-Secondary Education, an important policy issue that I addressed in my own 2004 inquiry, with the late senator's encouragement.

Honourable senators, the late senator's biographer, Hesta MacDonald, compared her subject to an old horse chestnut: a little hard and imposing on the outside but beautiful and soft on the inside. Senator Bonnell's wisdom, intellect, unique personality and public spirit will be greatly missed. I join with my colleagues in expressing sincere condolences to Mark and Linda and to all family members.

QUESTION OF PRIVILEGE

NOTICE

Hon. Terry Stratton: Honourable senators, earlier today, according to rule 43(3), I submitted written notification to the Clerk of the Senate that I intended to raise a question of privilege later today. Consequently, I hereby give oral notice, according to rule 43(7), that at the completion of the Orders of the Day today, I intend to put before the Senate particulars of what is, I believe, a contempt of Parliament and constitutes an affront to the privileges of every senator and of this place.

At the appropriate time, I will prepare and move a motion referring the matter to the Standing Committee on Rules, Procedures and the Rights of Parliament.

GOVERNMENT SPENDING CUTS

Hon. Norman K. Atkins: Honourable senators, we are all aware of the government's spending cuts that were recently announced. Indeed, Minister Flaherty stated that these cuts are in line with the priorities of Canadians. How would he know? Judging by the rapid feedback and outcry, it is clear that there was little or no consultation.

Almost all jobs in this country require literacy, so it stands to reason that increased levels of literacy can ultimately decrease unemployment rates. Higher literacy rates also increase the opportunities open to workers with lower skill levels. It is clear that Canadian adults who are literate are better able to maintain their independence and therefore less likely to rely on social programs.

There are already differences in the availability and quality of literacy programs and services across the country because many are offered at the community level, where financial capacity varies so greatly from one part of Canada to another. That suggests a need for better funding to help overcome that disparity. Cutting literacy programs is, at the very least, short-sighted.

As we all know, tourism is a very important part of our economy in Canada. Cuts to an agency such as the Canadian Tourism Commission, which promotes international tourism including many visitors from the United States, and at a time when the industry is just recovering from the effects of 9/11, will be felt by people dependent on the tourism industry. This combined with cuts to funding for our museums, and the decision not to proceed with projects such as the Portrait Gallery, lessens our ability to appeal to and attract tourists.

• (1350)

Eliminating programs such as the Court Challenges Program inhibits the ability of minority individuals within Canada who have no other means to make representation to the court on issues that affect them.

Being fiscally responsible should not affect facilities and programs that raise education levels and should not destroy tourism, affect minority rights or affect those who are already at a disadvantage in the employment environment.

Contrary to the government's suggestion otherwise, many of the targeted programs are currently deemed to be very effective and useful. While I recognize that budget cuts are always difficult, are budget cuts that affect the most vulnerable and disadvantaged in our society prudent, especially at a time when we have a \$13.2 billion surplus? Most Canadian families trim their expenses when their incomes drop. When Canadian families earn more, not only do they try to pay down their debt, but also they usually invest in the future. This type of balanced approach would ensure that we can continue to nurture an even brighter tomorrow.

Honourable senators, I believe we all understand the importance of reducing the debt. However, the government must be careful not to undermine our economic potential and the potential of Canadians by making changes that cut the heart out of social and cultural programs. The unintentional outcome of today's short-term cost savings may, sadly, bring a greater financial burden and a dimmer future for many Canadians.

MINIMUM WAGE

Hon. Jeremiah S. Grafstein: Honourable senators, yesterday I questioned the wisdom of the Government of Ontario, a region I proudly represent, with its refusal apparently to increase the minimum wage to \$10. Senator Murray, after my statement, questioned whether the federal government had an existing minimum wage standard. To my surprise, and I think to his as well, we discovered that the federal government some years ago had given up the attempt to establish a minimum guideline for wages across Canada.

I went further into this question. I did not mean to single out my own province, but I think this would be of interest to senators who represent all provinces and all regions. I have a short outline of the minimum wages across Canada for adult workers, as of 2004 — and these are the latest statistics I was able to find; I will try to update them if I can. The list is as follows: Alberta, October 1999 to 2004, \$5.90 — again, I repeat, \$5.90; British Columbia, as of November 1, 2001, \$8; Manitoba, April 2004, \$7; New Brunswick, January 2004, \$6.20; Newfoundland, November 2, 2002, \$6; Northwest Territories, December 2003, \$8.25; Nova Scotia, April 2004, \$6.50; Prince Edward Island, January 2004, \$6.50; Quebec, May 2004 \$7.45; Saskatchewan, November 2002, \$6.65; and the Yukon, \$6.20, as of October 1998. We talked about Ontario earlier.

In looking at this, honourable senators — and the Standing Senate Committee on Banking, Trade and Commerce has examined the question of productivity — I have been able to discern no satisfactory evidence that raising the minimum wage to \$10 across the country would in any way, shape or form impair either our productivity or our competitiveness. I encourage honourable senators to give consideration to this matter and to urge their provincial governments and the regions they represent to change what I consider to be a very unsatisfactory failure to salute the working poor of this country who are seeking to educate their children and to raise them to be contributing members of this country.

• (1355)

VISITORS IN THE GALLERY

The Hon. the Speaker: Before proceeding, I wish to draw to the attention of honourable senators the presence in the gallery of Mr. Vilhjalmur Vilhjalmsón, Mayor of Reykjavik, and His Excellency Markus Antonsson, the Icelandic Ambassador to Canada. They are guests of our colleague, the Honourable Senator Janis Johnson.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

[Translation]

ROUTINE PROCEEDINGS

SPEAKER AND DELEGATION'S VISIT TO UNITED STATES

REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the report on my trip to Washington in June 2006, with a Senate delegation.

[English]

CHIEF ELECTORAL OFFICER

2005-06 REPORT TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the annual report for 2005-06 of the Chief Electoral Officer, pursuant to section 72 of the Privacy Act.

QUESTION PERIOD

ENVIRONMENT

REMOVAL OF SUBSTANCES FROM LIST OF TOXIC SUBSTANCES—GREENHOUSE GAS EMISSIONS

Hon. Tommy Banks: Honourable senators, my question is to the Leader of the Government in the Senate. Today, the government introduced a clean air bill with the inference that it will be the first clean air act. In fact, the first clean air act was introduced by the government of Mr. Trudeau in 1971 and it, along with other acts, were folded into and streamlined in the context of the present CEPA, the Canadian Environmental Protection Act. That act has been subjected to certain challenges, some of which went to the courts.

• (1400)

In its study of CEPA, the Standing Senate Committee on Energy, the Environment and Natural Resources has been informed by what we regard as expert legal opinion that the court's decision to uphold the provisions of CEPA and the capacity of that act to guard Canada's environment depended, in large degree, upon the fact of the designation of certain substances as toxic.

Honourable senators understand, as do most people familiar with this act, that "toxic" does not mean that it will kill you. Toxic has a clear and well understood scientific meaning. However, it is certainly generally harmful to human life and to other aspects of our ecology.

The proposed legislation, which is called the clean air act, and which, as I will address later, seems to confuse clean air with certain other ecological considerations, has the effect of removing, as set out directly in the proposition, a long list of substances from the list of designated toxic substances that have heretofore existed in CEPA. I am wondering if the removal of substances from the list of toxic substances in CEPA is what the government actually intended to do, and if the government actually believes that in some way that will further the interests of human health and the Canadian ecology?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question. As honourable senators know, the Minister of the Environment and the Minister of Health introduced the proposed clean air act this morning. This is an approach that this government is taking with regard to the environment. In many ways, the environment is very much a health issue.

Before I answer the honourable senator's question specifically, it is important to point out that air quality in Canada has worsened over the past decade. Canada now ranks 27 out of 29 OECD countries for per capita sulphur dioxide emissions, and 26 out of 29 for nitrous oxide emissions. Over half of Canadians live in places where air quality does not meet existing standards. Smog accounts for 60,000 emergency room visits and 17,000 hospital admissions in Ontario alone. Air pollution contributed to a fourfold increase in the incidence of asthma among children over the last 20 years. This is the situation that the government faces as we try to address the issue of air pollution and greenhouse gas emissions.

The first part of the series of announcements that we will be making about the initiatives we will be taking was carried out today by Ministers Ambrose and Clement. I was pleased to see that the Liberal critic in the other place, Mr. Godfrey, indicated they are prepared to send this bill to committee, something which I often interpret as agreement in principle with what has been started.

I wish to put on the record that this is the first government to regulate emissions. We are regulating the auto sector for the first time ever in Canada. We are proposing tougher new regulations on air pollutants. We are proposing new regulations to deal with hazardous pollutants from consumer products, such as paint, ink and spray cans. We will monitor polluters and fine those who do not meet their targets. We are proposing a solution whereby we would invest the environment fines in a fund to help clean up the environment.

With regard to toxins, as the honourable senator knows, there was recently a long list of toxins categorized by the minister. There is no question that this is a complex issue. Canadians are concerned about the air they breathe, the water they drink and the toxins that are in their foods.

• (1405)

Senator Banks: I apologize for not having made my question clear. If this bill passes in its present form, among the 60 substances that will be removed from the list of toxic substances that until this point have existed in section 1 of the Canadian Environmental Protection Act are the following: gaseous ammonia, nitric oxide, nitrogen dioxide, sulphur dioxide, carbon dioxide and nitrous oxide.

Does the government believe that the removal of those substances from the list of toxic substances under the Canadian Environmental Protection Act advances the interests of the ecology of Canada? Is that what the government actually believes?

Senator LeBreton: Perhaps I did not make my answer clear enough. The fact is that today we started with the proposed clean air act. In my answer I indicated that this is the first of a series of announcements we will be making over the next few months to deal not only with the quality of our air, but also with the issue of toxins in our food and in the environment, including some of the products the honourable senator listed. I assure the honourable senator that over the next few months the next phases of how we intend to deal with products like this will be announced.

Senator Banks: I thank the leader for that answer. I will be very interested, as will all senators, I am sure, in following the means by which removal of toxics from the list of toxic substances will improve things.

The leader mentioned clean air. As I said earlier, it is my impression, and has been for some time, that this government and its welcome initiatives, as stated, have to a degree confused clean air with greenhouse gas emissions. The two are linked only indirectly.

I am sure the leader knows that the committee of this house I presently have the honour to chair, having succeeded Senator Taylor, who succeeded Senator Hays, has for decades been extremely critical of the lack of progress and action by previous governments in effecting the things that ought to have happened under the CEPA framework legislation. However, with this bill the government seems to be planning to spend the next year determining a framework for regulation of greenhouse gases. CEPA is already a framework for the regulation of greenhouse gases. Following that, the government intends to spend two more years figuring out the specifics of those regulations. They plan to finalize the regulations by 2010, if everything stays on schedule. The government will somehow, by 2020, make those regulations applicable.

Does the government believe, with respect to greenhouse gases in particular — not clean air, particulates or smog — that 2020 is the earliest time by which emissions can be controlled?

Senator LeBreton: If the honourable senator looked at the package released this morning and listened to the media

conference of Minister Clement and Minister Ambrose, he would certainly not come away with any impression other than we certainly do know the difference between air pollution and greenhouse gas emissions.

• (1410)

The Alberta government has set 2020 as a target year, and that is a very ambitious date. One of the federal Liberal leadership candidates announced a target of 2050.

Many initiatives have been taken already. The announcement today is an important initiative in a long series of initiatives that the government will be taking. For the first time, this government is serious about addressing all issues with regard to the environment, including air and water pollution and greenhouse gas emissions. As I said to the honourable senator, in answer to a question he posed the other day, it is a pity his own government did not listen to him and his committee.

Senator Banks: I agree with the leader's last sentence, it is a pity our government did not do those things. It should have and did not.

Will the Leader of the Government in the Senate confirm that the present government intends not to impose caps on emissions of greenhouse gases prior to the year 2020 and that that is represented in the proposed legislation presently before us as was said today in the lockup and was said today in the press conference given by the ministers?

Senator LeBreton: I shall seek clarification on that point and provide it in a delayed answer.

TREASURY BOARD TRANSPORT, INFRASTRUCTURE AND COMMUNITIES

MUNICIPAL CONTRACTS

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, my question to the Leader of the Government today concerns Canada's Strategic Infrastructure Fund.

A controversy has arisen as to whether the President of the Treasury Board is interfering in matters involving funding of a light rail transit system in Ottawa. It is not that that I want to ask about.

I understand there are some 10 projects across Canada of this nature. For instance, among others, there is a \$300-million transit project in Toronto, a \$300-million RAV project in Vancouver and \$108 million in my own province of Alberta for the city of Edmonton. I wonder if I will be reading in papers about the same exchange in terms of what is being characterized here as interference.

I do not think there is a question of the validity of the contract, but certain information is being disclosed. By any measure, the President of the Treasury Board has involved himself in a municipal issue. We would be very sensitive, in my province, if a federal minister were so much in the news regarding one of our cities.

Can the Leader of the Government advise, with regard to these 10 contracts, if this is the kind of review and involvement in a municipal issue of this nature under this program that we can expect from the President of the Treasury Board?

• (1415)

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for that question. I do not believe the President of the Treasury Board is inserting himself in municipal politics. As to the particular issue here in Ottawa, we have three high-profile people running — the incumbent mayor and two others — and the light rail line has become an issue. There are some questions about the validity of this proposal. Two of the people running against the incumbent have questioned it.

Honourable senators, we are talking about \$200 million of federal money. There is conflicting information about the deadline by which the contract would be required to be signed. I am just going by what I have been reading in the newspaper accounts. Apparently, there was some view it was October 15 when in fact it was December 15.

By the way, the President of the Treasury Board has been supported in his decision by many people polled in Ottawa and the local newspapers. He simply feels that because there is significant federal money here, this proposal should be ratified by the new city council.

I do not believe that Minister Baird has involved himself in the mayoralty race. He has been on the public record as saying he has taken no position in who he wants to see as mayor.

Senator Hays: I take it this is a matter of interest for the Treasury Board such that if this project was in Calgary, hypothetically, or in Edmonton, he would involve himself in the same way in as he has with the City of Ottawa?

Senator LeBreton: The honourable senator said “hypothetically,” and it is hypothetical. I will not answer hypothetical questions. However, this was a unique circumstance in Ottawa whereby the people involved were questioning the decision to go ahead with this rail contract without full explanation to the public. In the interests of fairness, the President of the Treasury Board, when he realized that there was no danger in delaying the delivery of the \$200 million, simply left the matter to be decided by the new council.

Senator Hays: The test is that if it becomes a municipal election issue and people are expressing different views on it, then the President of the Treasury Board will involve himself, if I understand the leader's answer, in Ottawa, at least. If he would not do the same in Edmonton, the question is not hypothetical. There is a \$108 million Canada Strategic Infrastructure Fund program being made available for light rail transit in Edmonton, although there is an existing LRT. If the same issue came up at the municipal level as has come up in Ottawa and Mr. Baird is even-handed in terms of what is under his jurisdiction, namely this program, then he would involve himself as much in Edmonton as he would in Ottawa; is that right?

Senator LeBreton: I do not agree with that statement at all. The question is very simple. The Treasury Board decided to allow the new council to endorse this proposal. If they endorse it, the money will be forthcoming.

Senator Hays: As people observe in other municipal governments, and during campaigns these things are bound to come up, it may well be that the President of the Treasury Board will be asked by one side or the other to involve himself and say, “Hold this up,” because there is an unresolved matter. In terms of my province, we would resent a federal official involving himself or herself that way in what is essentially a municipal matter. The program involves the three orders of government, and neither the federal government nor the provincial government are involved in the procurement.

Mr. Baird has put a process into question, and he could be asked to do that anywhere. I think he should have the same role in one city as in another. I am asking the Leader of the Government whether that is, in fact, the case.

Senator LeBreton: In the case of Ottawa, the funding is one-third, one-third, one-third. I would imagine and hope that other cities with projects such as this would be more forthcoming with the public so that there would not be the concerns that have been expressed specifically here in Ottawa.

Senator Mitchell: It is none of your business.

Senator LeBreton: It is \$200 million of Canadian taxpayers' money.

• (1420)

Senator Mercer: People are saying that the agreement is not worth the paper it is written on.

Senator LeBreton: There are many members of the present Ottawa City Council, and two credible people are running against the incumbent mayor. There were significant questions, and no one knew anything about the decisions behind much of this proposal. It was simply a prudent decision to allow the new council to ratify or review the decision about the light rail system in Ottawa. When the members of the new council, who will be elected in a few weeks, agree they want to proceed with this project, the Treasury Board will be pleased to turn over the \$200 million.

Senator Hays: I will make one last try. I understand what the leader is saying and what the rationale is, rightly or wrongly. However, my point is that if the same circumstance existed in another city where we have this Canadian Strategic Infrastructure Fund — I am asking because as a regional representative, there are such programs in my province — would the President of the Treasury Board assume it was his role to do in Edmonton, for example, what he is doing in Ottawa?

Senator LeBreton: I hope that the people in Edmonton, Calgary, Vancouver and other cities would be a little more forthcoming with information and not precipitate this type of situation. Perhaps Senator Eggleton and Senator Atkins' candidates for the mayor's job could assist me in answering this

question — I am only joking. They are supporting credible candidates for the mayor's job who have serious concerns about the lack of openness and transparency about this particular light rail system in the city of Ottawa.

[Translation]

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

POST-SECONDARY EDUCATION— CONSULTATIVE PROCESS

Hon. Claudette Tardif: Honourable senators, on August 16, 2006, a Web site informed the Canadian public that Human Resources and Social Development Canada was conducting consultations concerning the federal government's role in post-secondary education. Unfortunately, the Web site that announced the consultations was not the department's. Rather, it was a blog belonging to Paul Wells, a Maclean's columnist.

[English]

As Mr. Wells stated:

It's insane to have a secret public consultation.

The deadline for submissions was September 8, but few had been informed that the consultation process had even begun. Furthermore, the HRSDC web page did not outline the parameters as to who could respond nor provide discussion documents on the issue to guide feedback.

[Translation]

My question for the minister is this: Given the importance of post-secondary education, why was the consultation process not extended, better explained and more widely publicized to university associations and institutions, as well as to Canadians?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I do not read of blogs and thus did not read the one written by Paul Wells. The honourable senator asks a very good question, and I will endeavour to find out because I do not have an answer for her at the moment.

Senator Tardif: I thank the minister. I look forward to the response because I know that in many other instances consultation has not been done. I think of the abolition of the Court Challenges Program in which, once again, there was no consultation with the communities that were impacted.

• (1425)

Senator LeBreton: As the honourable senator knows, I was part of the process in looking for savings this summer. We consulted many people during that process. Obviously, some people who felt they should have been consulted believed they were not. We were involved in a long consultation.

With respect to the particular question raised by the honourable senator, I would not think it wise to post the notice and not give an opportunity to respond. The honourable senator is quite right.

FINANCE HUMAN RESOURCES AND SOCIAL DEVELOPMENT

FUNDING FOR LITERACY PROGRAMS— PROVINCIAL AND TERRITORIAL PARTNERSHIPS

Hon. Joyce Fairbairn: Honourable senators, I have a question again today. I went back and I read the statement of the Leader of the Government in the Senate yesterday about the funding that was being offered by the federal government on literacy. It was not unlike what we had already been doing: It touched on skills training for immigrant populations; it touched on essential skills and workplace initiatives from HRDC; it touched on money that is to be allocated for Aboriginal teaching. The leader threw in some good information on computers for schools. She also tossed in some special money for Prince Edward Island and some sector council programming on workplace skills and training. The foundation of the government's proposals is not so very different from many of the things we were doing before.

However, the fundamental difference is that the federal government will no longer partner up with the provinces and the territories on joint programming taking place on the ground in those areas. That is very different from what we have been trying to do over the years.

Without the partnership with the provinces and territories, how does one expect to take on literacy program funding in the future that will actually create learning for people of all ages who are in difficulty and need that kind of help? How will the government be able to do that unless they maintain a close partnership with the provinces? Indeed, the programming that is done on the ground always has been on a joint basis with the federal government.

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for her question. I misspoke in my answer yesterday when I listed all of the projects. I left the impression that those projects were part of the \$81 million. I should have said that the \$81 million was in addition to the amount allocated for the literacy and skills programs that I listed yesterday. When I read my answer, I realized that it appeared as if I was listing those figures as part of the \$81 million.

With regard to our continuing the relationship with the provinces and the territories, with the \$81 million in hand, Minister Finley will be working together with her provincial and territorial counterparts on these literacy and skills programs. I do not think it is fair to assume that somehow or other we will be running these programs without the co-operation of the provinces and territories. During the last election, one of the very important planks in our platform was more co-operation and more work with the provinces and territories.

[Senator LeBreton]

• (1430)

[Translation]

**PUBLIC WORKS AND GOVERNMENT SERVICES
HUMAN RESOURCES
AND SOCIAL DEVELOPMENT**

TARGETED INITIATIVE FOR OLDER WORKERS

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, my question is for the minister for Montreal and it concerns the new targeted initiative for older workers, announced this week by the Minister of Human Resources and Social Development Canada, Ms. Finley.

As we all know, this initiative is intended to help older workers — here in the Senate, we would not consider them that old — between 50 and 64 years of age, who have lost their job and are not able to work elsewhere. The purpose of this initiative is therefore a noble one. The total federal contribution — \$70 million, including \$19 million for Quebec — is not overwhelming, but it is better than nothing.

However, workers in major metropolitan areas, such as Montreal, cannot benefit from this program. In Montreal, there is a very large group of workers, especially female workers, who need, almost desperately I would say, such a program. I am referring to the workers in the textile industry, most of them women and often immigrants, who tend to have low levels of literacy, I might add.

[English]

They are not capable of functioning particularly well in either of Canada's official languages, and we know that this is an industry that faces significant trouble.

We also have indications that the Government of Quebec would have wished the details of this program to be other than they are.

[Translation]

The Quebec Minister of Employment and Social Solidarity, Michelle Courchesne, indicated as much in a scrum earlier this week. She mentioned a certain uneasiness and said that the program announced by the federal government was not very realistic.

[English]

Can the minister please explain why this large group of vulnerable workers, who it would seem would be ideally suited for a program like this, will not be able to benefit from it?

[Translation]

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, I will answer the senator's question in two parts.

Regarding the program, as you know, with the plant closures that are taking place in the forestry and paper industry in Quebec, it is important to have a program that targets workers in that sector.

With regard to the City of Montreal, I will make two comments. First, you will understand that it is more difficult for someone living in La Tuque to find work in La Tuque when the town's only sawmill closes than for someone in the LaSalle district of Montreal, who has other opportunities.

You also mentioned the clothing industry.

[English]

I am happy to share with the honourable senator that I visited Peerless, the large, suit manufacturing business in Montreal, which employs 2,600 people on Boulevard Pie-IX, just east of St. Laurent. The honourable senator should visit Peerless, because the company is hiring hundreds of people every month. Peerless is looking for employees.

The reason this type of program does not apply to a large city like Montreal is because there are other opportunities in Montreal for people of that sector. Peerless is just one example. This is why the program is designed the way it is.

Senator Fraser: Pie-IX is actually quite a chunk east of St. Laurent. Of course, I have been there.

Everyone knows that forestry workers desperately need help, and a large number of those who desperately need help are in Quebec. God forbid that anyone should begrudge any help that is going to them. It seems to me that the one should not exclude the other. The Government of Quebec made it plain that it did not think that the one should exclude the other, and this is a federal-provincial program. Therefore, I ask the minister again: For those workers who do not get hired by Peerless, or anyone else, why could we not have designed the program to help them?

• (1435)

Senator Fortier: I believe I answered that question. The reason is that, in a large city such as Montreal, there are other opportunities for folks in that age group — 55 to 64 years — in the textile and clothing industry, as well as opportunities outside that industry. That is the answer. People understand that. When in Montreal, step out of Westmount and talk to real people, who will tell the honourable senator that they understand that they can find employment in other areas of Montreal. Montreal's economy is doing very well and normal people understand that these policies apply to folks that live in remote areas where there is only one industry. There is a big difference between La Tuque and LaSalle.

Senator Fraser: The minister might be interested to know that I do not live in Westmount.

The Hon. the Speaker: I regret to inform honourable senators that the time for Question Period has expired.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting a delayed answer to a question raised by Senator Carstairs on October 3, 2006 with respect to the comments of the Minister to the International Congress on Care of the Terminally Ill.

HEALTH

COMMENTS OF MINISTER TO INTERNATIONAL
CONGRESS ON CARE OF THE TERMINALLY ILL—
TERMINATION OF SECRETARIAT
ON PALLIATIVE AND END-OF-LIFE CARE

(Response to question raised by Hon. Sharon Carstairs on October 3, 2006)

This government, and indeed Minister Clement, is committed to ensuring quality health care for all Canadians, including palliative and end-of-life care.

Health Canada provides support for palliative and end-of-life care through the Secretariat on Palliative and End-of-Life Care. The Secretariat's budget is determined on a year-by-year basis by allocation from within departmental resources. The five working groups under the Secretariat are aware that funding is not ongoing and that there is no pre-set annual budget. In the past, these resources have supported the palliative care community in the implementation of national-level improvements to the education of health care providers, accreditation standards for palliative care, and networks for palliative care research. As well, the working groups are aware that at the end of this fiscal year work will carry on but through a new mechanism which will ensure the engagement of the palliative care community.

This is valuable work and this government looks forward to, and indeed counts on, continued engagement of the palliative care community, with available funding. This year, the government continues to support the Secretariat, along with a range of other health care priorities. For example, Health Canada is working with the Canadian Virtual Hospice to build an interactive website to provide one-stop shopping for Canadian palliative and end-of-life care researchers. This website will make available to researchers information such as sources of research funding, research methodologies, research findings, proposal summaries and the like. It will also provide opportunities for networking among researchers, allow researchers to build on each others' work, to broaden the scope of work and thus to improve the capacity in Canada for palliative care research. This work is already underway with available resources.

Another example is work now getting underway with the Canadian Association of Schools of Nursing to secure consensus across Canada on specific palliative care competencies for nurses. These competencies will lead to changes in nursing curricula, and are key in improving the quality of care provided to Canadians. This initiative is building on a similar project, also funded by Health Canada, which will improve the training provided to physicians on palliative and end-of-life care.

In addition to funding provided through the Secretariat, the federal government supports palliative and end-of-life care through other means. Other important initiatives funded by Health Canada include the \$1.2M Educating Future Physicians in Palliative and End-of-Life Care, the \$750K Teaching Interprofessional Collaborative Patient-Centred Practice Through the Humanities, and the

\$4.3M Pallium Integrated Care Capacity Building Initiative. Furthermore, Human Resources and Social Development Canada is administering Employment Insurance Compassionate Care Benefits which allow Canadians to take time away from their jobs to care for gravely ill loved ones. Such federal initiatives are enhancing Canada's capacity to handle end-of-life issues.

[English]

NATIONAL SECURITY AND DEFENCE

RESPONSE TO REQUEST
FOR INFORMATION PRESENTED

Hon. Colin Kenny: Honourable senators, I have the honour of presenting a delayed answer to an oral question raised by the Honourable Senator Tkachuk yesterday with respect to the fourth report of the committee, specifically, the number of copies of that report that were printed and distributed up to October 17, 2006.

(Pursuant to rule 24(3), response to question raised by Hon. David Tkachuk on October 18, 2006)

MANAGED TURMOIL: *The Need to Upgrade Canadian Foreign Aid and Military Strength to Deal with Massive Change* (October 2006)

2,900 reports in English have been printed and 1,679 reports in English have been distributed. 300 reports in French have been printed and distributed.

POINTS OF ORDER

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, this is the point of order that I attempted to raise earlier. When I rose earlier, I was acting on my perhaps mistaken interpretation of rule 23(6) of the *Rules of the Senate*, which says that the Routine of Business shall be called after Senators' Statements. I took that to mean that the Routine of Business began after Senators' Statements. If I am in error, I would suggest that the rules need to be reworked.

The substance of the point of order has to do with the notice of the question of privilege that Senator Stratton raised earlier. Although all senators are aware because they have all received the honourable senator's letter and heard him give notice of question of privilege a few moments ago, they do not know what it is about. I would suggest, therefore, that this notice of question of privilege has not been properly devised.

The *Rules of the Senate* speak clearly to questions of privilege because, as every authority agrees, questions of privilege are among the most serious matters that parliamentarians ever have to consider. Essentially, they have to do with preserving the integrity of Parliament. The *Rules of the Senate*, like the authorities, are clear about the need to give timely and adequate notice that a question of privilege is to be given. In particular, rule 43(7) says that after a senator has given notice in writing — which was sent out this morning — the senator shall

rise during the time provided for consideration of Senators' Statements for the purpose of giving oral notice of the question of privilege. Rule 43(7) states:

[Translation]

...for the purpose of giving oral notice of the question of privilege.

[English]

I suggest that the Senate has such detailed rules about notice so that senators may be properly prepared to discuss the question of privilege on the basis of some knowledge and reflection when it is ultimately brought in substance before the chamber, which will happen later this day.

Citation 115 of *Beauchesne's* states:

A question of privilege must be brought to the attention of the House at the first possible opportunity.

It does not say, "...notice that there will be sometime in the future a question of privilege," but rather, "a question," which I understand to mean the substance of the question.

• (1440)

I suggest that our rules are also referring to the substance of the question, that it is not enough to say to senators, "I will do a bit of a Dance of the Seven Veils here, and I am telling you now that I will do the dance later on."

Honourable senators, these are not games-playing matters; they are very serious matters. I have no knowledge at all of what Senator Stratton's question of privilege may be. I imagine that many senators in this chamber are in the same position, and for us to consider his question properly, when it is raised, we need to know. We have not been given that notice.

Hon. Gerald J. Comeau (Deputy Leader of the Government): I am quite pleased that the honourable senator referred to rule 43(7). I will read the appropriate section:

A Senator having given a notice...shall be recognized during the time provided for the consideration of "Senators' Statements", for the purpose of giving oral notice of the question of privilege. In doing so, the Senator shall indicate that he or she is prepared to move a motion either calling upon the Senate to take action...

The rule does not in any way refer to the question of the substance of the motion. The rule states that a senator has orally given notice that he or she will move a motion.

It is well and good to want to know what the substance of the motion is — and I empathize with my colleague on that point. If the rules are not clear enough, or if we wish to have the rules made clearer, by all means, let us refer this to the Rules Committee and ask that the rules be modified. However, for the time being, as things stand now, the only requirement is that, having given written notice, the senator then moves the oral motion during Senators' Statements, without in any way having to provide the substance of the motion.

Getting back to the honourable senator's point — and I can empathize with where she is coming from on this — we might want to have the Rules Committee amplify this rule to read that the substance of the motion should be made part of the rules, but at the present time it is not part of the rules. Therefore, this is not a point of order, and I would ask that Your Honour view this as not being a point of order.

The Hon. the Speaker: Is there further help for the chair?

Hon. Anne C. Cools: Honourable senators, I did not hear most of Senator Fraser's intervention, but what I did hear is a suggestion that the rules may be insufficient because they are not specific enough in the meaning of notice. I should like to say that my understanding of "notice" means precisely that, that one is giving notice so that individual senator are given notice in order to be able to know what they are dealing with.

For example, if I were to rise in this place and give a notice of motion, for the most part, the notice of motion would contain the motion that I would be asking the Senate to consider. If I were to give a notice of inquiry, the notice would contain what I am asking the Senate to look at. Granted, some notices are pretty feeble, but that is a different matter for another day.

If one were to look at a court of law when lawyers engage in a notice of motion, one would find an extremely detailed account of what the court is being asked to examine and to wrap their minds around. Notice in a court of law does not differ from notice in our situation at hand.

I shudder every time I hear people talk about re-doing and un-making the rules. Dear Lord, when I came to this place 20 years ago, the rule book was 10 per cent the size of what it is now. I do not understand this business of every day we wake up, someone takes a bottle of instant rules, removes a teaspoon, and more rules grow.

I am holding the rule book in my hand. These rules are beyond the reach and knowledge of most senators, so I shudder at the thought of creating more. Currently there are simply too many rules.

The problem is not the insufficiency in the rules. The problem may be the insufficiency in some people's minds and their understanding of the principles of debate, or perhaps in the insufficiency in their understanding of the meaning of "notice." Notice means that senators and members of the House of Commons are not to be caught or taken by total surprise. Notice means that there should be no mystery, for example, as to whether this question of privilege occurred in the chamber or outside of the chamber.

One must be respectful and understand that any individual senator should not have to give his or her entire hand away, but, there should be at least enough information in the notice to direct senators who may want to speak to it to know where to go and look, whether the breach of privilege was in a newspaper article of today or in a Senate committee this morning or in the proceedings of the Senate yesterday or wherever.

I am sorry to disagree with Senator Fraser, but it is wrong to suggest that the rules are insufficient about the meaning of notice of a question of privilege.

I do not know how much more the rules have to be spelled out so that people can understand that debate is a precious thing and should proceed in accordance with widely held principles. The first principle of justice and of the rule of law is that persons who are impugned have a right to respond and have a right to notice that they are being impugned.

This used to be called natural justice. I see many statements coming through that demonstrate no concern that there is a world outside of our own or that there are other people here who would like to speak. Perhaps what we need today is for someone to consult the dictionary to find out what the word "notice" really means. Perhaps we are becoming that elementary.

I wanted to say to Your Honour that honourable senators are owed some description of what happened that should be judged a breach of privilege. In the interests of circumspection, astuteness and political wisdom, perhaps senators giving the notice should be guarded and sagacious in how they articulate it, but it cannot be denied that information is required. Neither can it be asserted that the rules are insufficient and that they do not require information in the "notice." There is a body of law, which we are bound to, which is not all recorded in these rules, and there is a body of principles that we have some duty to uphold, even though they may not be in the rule book.

For example, is there a rule in the Senate rule book that says we should act in a principled way? I do not know. However, it would be a breach of the rules to say that there is no rule that says senators must act in accordance with the principles.

In any event, Your Honour, notice means notice. It means that senators receive notice of what they are being asked to consider and debate. It does not mean keeping senators in total suspense. As a matter of fact, I would argue that it does not mean keeping them in any suspense at all.

It is sometimes very difficult to watch us distort our own system. I was raised to believe that this system of Parliament was the jewel not only of British constitutionalism but of universal constitutionalism, and I shudder when I hear statements that, because certain concepts are not spelled out here in elementary language, that somehow or other they do not exist.

• (1450)

I submit to you that we have a command: We are under oath to Her Majesty to treat each other and to treat the institution with a very high degree of respect. The first duty that we have is to treat debate — both our right to debate and our ability to debate — with a very certain and a very high level of dignity.

Hon. Jack Austin: Honourable senators, I would argue in the same direction taken by Senator Cools. The issue really depends on rule 43(1) and the reference in that rule to a putative question of privilege. If I understand the meaning of "putative," it relates to the phrase that deals with "priority over every other matter before the Senate." In order to determine whether the question of privilege should take priority, we need to interpret the meaning of the word "putative," which I would argue requires a disclosure of a general nature. The chamber can then decide as a matter of process, or in the circumstances, Your Honour can rule whether there is a putative question.

Hon. Tommy Banks: While Your Honour is looking at this question, which I am sure you will, I would address your attention to rule 59(10) and ask if there is, in fact, a conflict between that provision on the one hand and rule 43(7) on the other. I do not know very much about these things but I think there might be such a conflict.

Senator Cools: I have one small point, Your Honour. I was not planning to speak in this debate, but I heard this particular exchange as I walked into the chamber. One of the reasons that sufficient information disclosed must be disclosed in the notice of a question of privilege is that the rule presupposes that Your Honour is being asked to make a ruling that there is a *prima facie* case of breach of privilege. In other words, Your Honour is not being asked to rule on the substantive matter, but rather if there is sufficient evidence to be able to allow the question to take priority over all others and consequently to allow the senator to move a motion for debate on the substantive motion.

In point of fact, the rules anticipate that the real debate should take place on that motion. Recently, it has become a habit, in fact we have adapted an inferior practice wherein that motion is not debated at all. I would suggest that when a senator raises a question of privilege asking Your Honour for a *prima facie* ruling contained in that senator's speech, there should also be a notice of the motion that he or she intends to put before the house.

This is a very serious matter that goes to the unity of thought between our rules on what I would call the entire body of the law of Parliament, the common law, the laws of equity and the totality of what I would call the entire constitutionalism system.

The Hon. the Speaker: Let me thank the Honourable Senator Fraser for raising the point of order. If all honourable senators would look at their rules, they would see that there is a bit of a contradiction there in the wording, and so the honourable senator's point is well made on that first part.

I would like to take some time to study the issue because, as Senator Austin has pointed out, and as all honourable senators have indicated, this is an important matter. I want it to be the agreement and the understanding of the house that, should the Speaker take this matter under advisement, everything would be frozen in time.

As to the timeliness of Senator Stratton's notice on the issue, it would be understood that he has met the test of time, and that we must deal only with the issue as to the fullness and adequacy of the notice.

With that, honourable senators, the chair will do its duty to the house and take the matter under advisement.

Hon. Terry Stratton: Your Honour has taken it under advisement. Does that mean for a week, a day or an hour?

The Hon. the Speaker: I will move with the fullness of dispatch and we will try to have something for honourable senators next week when we return.

On a point of order on a different matter, we will hear from the Honourable Senator Murray.

Hon. Lowell Murray: Honourable senators, my point of order is on an entirely different matter. It also is not urgent, but it is a matter that Your Honour may wish to take under advisement.

I would draw the attention of honourable senators to rule 24(1), Oral Questions, which states:

24(1) When the Speaker calls the Question Period, a Senator may, without notice, address an oral question to:

(a) the Leader of the Government in the Senate, if it is a question relating to public affairs.

— and it is this next paragraph to which I draw your particular attention:

(b) a Senator who is a Minister of the Crown, if it is a question relating to his ministerial responsibility, ...

Honourable senators, some time ago I heard an honourable senator ask a question of one or the other of the ministers who were in this chamber in her or his capacity as a member of the Treasury Board, which, as we know, is a committee of the cabinet.

On several occasions, and most recently today, an honourable senator rose and put a question to Senator Fortier, the Minister of Public Works and Government Services, in his capacity as minister for Montreal. My contention is that Senator Fortier is Minister of Public Works and Government Services. That is his constitutional responsibility, and my contention is that that is the only role in which he is obliged to or may reply to questions during the oral Question Period. I am aware that the rule refers to “ministerial responsibility.” However, honourable senators, the fact that Senator Fortier may have some responsibilities for the Island of Montreal, or that Senator LeBreton may have responsibilities for eastern Ontario, or that someone may be a chairman of a cabinet committee, does not come under their portfolio responsibilities.

We are all aware of the circumstances under which Senator Fortier came into the cabinet. It was so that the Island of Montreal would have a voice at the cabinet table. However, he is not, I think, authorized to reply to questions in that capacity any more than Mr. Thompson, the Minister of Veterans Affairs who is minister for New Brunswick, is authorized to answer questions about New Brunswick. These are matters within the Prime Minister’s purview. Senator Fortier is responsible to the Prime Minister for his activities in respect of the Island of Montreal; not to Parliament.

We have had this sort of thing happen in the past. There is plenty of precedent for appointing senators as cabinet ministers because of a lack of elected representation from particular areas. Senator Austin was Minister of State for Social Development in the Trudeau government. It was also understood that he was there because he is a British Columbia senator. The same is true for the late Senator Olson from Alberta, who was Minister of State for Economic Development, and the late Senator Argue from Saskatchewan, who was Minister of State for the Wheat Board, both provinces not having elected any Liberal members.

We asked questions routinely of those senators in relation to their portfolio responsibilities, but there was never any suggestion

that we could put questions to them in their capacity as senators from a particular province.

• (1500)

This is a matter on which Your Honour may wish to hear other senators who may be able to cite precedents. I am not aware of any, but there may be some. I simply state that my contention is that Senator Fortier may answer questions in the oral Question Period only in respect of his duties as Minister of Public Works and Government Services.

Senator Fraser: The Honourable Senator Murray, as is always the case, raises an interesting point, but he will not be surprised if I do not quite agree.

I was not around when Senator Olson and other such persons were in office, and because I did not realize this procedural matter would be raised today, I do not have the quotations with me. However, we are all aware that when Senator Fortier was named to this place and to the cabinet, he was publicly and repeatedly identified as being the minister to represent Montreal. As a confirmation that this is indeed a serious part of his ministerial responsibility, I would note that he takes questions about Montreal. We know that Senator Fortier may not have had the time to study our rule book in great detail since he arrived. I also note that the Leader of the Government in the Senate has been properly prudent about which questions should go to Senator Fortier and which questions should not.

I can recall at least one occasion — I think it is more — when our side directed a question to Senator Fortier, and the government leader rose to take it because the question did not relate to either his ministerial responsibilities for PWGSC or to Montreal. I take that as confirmation that in this government it is formally the case that the Minister of Public Works is also the minister for Montreal, to whom questions in this place may properly be put on matters affecting Montreal.

Senator Comeau: Honourable senators, all we need to do is go back to the rules. The rules, again, are very explicit. Rule 24(1) states:

When the Speaker calls the Question Period, a Senator may, without notice, address an oral question to:

(a) the Leader of the Government in the Senate, if it is a question relating to public affairs,

(b) a Senator who is a Minister of the Crown, if it is a question relating to his ministerial responsibility...

We do not have ministers for Montreal. We do not have ministers for Nova Scotia. We have ministers with special duties. They may report to the Prime Minister on certain issues, but they are ministers and, in the case of our colleague, Senator Fortier is the Minister of Public Works and that is his portfolio.

Finally, a question may be asked to a chairman of a committee if it is a question relating to the activities of that committee. I recall sitting here one afternoon when the Leader of the Government in the Senate was not present. I sat through a number of questions that were asked of me and I refused to answer. I was summarily pilloried and darts were thrown.

Some Hon. Senators: No.

Senator Comeau: Go back to the Hansard and note the adjectives that were thrown my way on that afternoon. I was not allowed to respond to the questions because it is not provided for under the rules.

Honourable senators, all we need to do sometimes is go back to the rules and read them. If we do not like the rules, let us send them to the Rules Committee and change them to whatever we wish. However, as it stands now, these are the rules. Let us simply apply them. Again, if we do not like them, we will make adjustments.

For the time being, the Minister of Public Works is not the minister for Montreal. He may have special responsibilities to report to the Prime Minister concerning Montreal, but that is an entirely separate issue.

I would ask Your Honour, in his usual wise and reflective way, to reflect on these comments. You may wish to remind us all to stick to the rules.

Hon. Wilfred P. Moore: I have listened to the remarks. It may be useful and instructive for Your Honour to review the text of the official appointment of this individual so as to ascertain his responsibilities. It may well say that he is a minister responsible for the province. If that is the stated public responsibility given to him, then I would think that beyond a particular portfolio, he is a minister of whatever that responsibility may be.

Senator Murray: Various ministers of the Crown are also chairs of cabinet committees. May you ask a question of a minister in his capacity as chairman of the cabinet committee on social development or economics? You may not. You may ask a question of the President of the Treasury Board because that is a portfolio.

The idea is that ministers are responsible for their portfolios. When someone wants to ask a question about the clothing industry in Quebec, alluded to by Senator Fortier, those questions should be put to the Leader of the Government in the Senate, who will go to the Minister of Industry or the Minister of Trade, or the portfolio minister responsible — literally responsible — to Parliament.

The Hon. the Speaker: I wish to thank all honourable senators for participating in the debate on this point of order. We will study the question and issue a ruling.

Senator in this Chamber the opportunity to speak out on an issue in our country that is often forgotten.—(*Honourable Senator Tkachuk*)

Hon. Jim Munson: Honourable senators, today, I wish to add my concerns about recent cuts in government funding in support of literacy.

To preface his budget cuts on September 25, Treasury Board Minister Baird, in a joint announcement with Finance Minister Flaherty, said:

We are trimming the fat and refocusing spending on the priorities of Canadians.

After we saw what was cut, we have an idea of the image of Canada that this government has. This government thinks programs that help the most vulnerable in our society are fat that needs to be trimmed. What kind of crazy starvation diet is this?

I know that I am not alone in my outrage and shame. How can programs that support literacy in adults in Canada be considered fat by this government?

The Conservative government defends itself by saying that it will support national or federal programs in support of literacy but will not support regional or local groups working across the country to help millions of Canadians who have trouble with reading and writing tasks. In essence, the government is saying, "That is not my department. Go somewhere else if you need help." That is the response of this government to a problem that has far-reaching consequences on the lives of individuals, on the welfare of families and on the future of our country.

[*Translation*]

How can we tolerate this government abandoning the most vulnerable Canadians, people who are the least equipped to succeed and to participate in society?

[*English*]

Despite a \$13-billion surplus, this Conservative government is saying to the adult Canadians who have low literacy skills that they do not matter. If they were not already excluded from much of society because of their lack of literacy skills, these people would be outraged. The fact is that the people who need literacy programs are the least likely to be aware of these cuts and call Stephen Harper's government to account. Many people with low literacy are on the edges of society, on the outside looking in, wanting to be active participants in Canada's economy and society. They are less likely to have well-paying jobs. They are less likely to vote. That is why these cuts are not only mean-spirited but also cynical and calculated. That is why we honourable senators need to speak out.

We here in Ottawa need to remember that Canadians do not care what level of government provides which service. What they expect is a government that meets the pressing economic, health and social needs of its citizens. That is what literacy is.

• (1510)

ORDERS OF THE DAY

STATE OF LITERACY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Fairbairn, P.C., calling the attention of the Senate to the State of Literacy in Canada, which will give every

[Translation]

Here, in Canada, we have built a society based on values such as mutual help and support. We believe that the government has to be a force for good and show leadership in helping people get training and find good jobs. With these cuts to literacy programs, this government is betraying the values that we hold dear.

[English]

Literacy is an economic issue because in today's labour market people change jobs frequently and need to acquire new skills throughout their working lives. Do not just take my word for it. Let me quote our Minister of Human Resources and Social Development, the Honourable Diane Finley. On September 8, International Literacy Day, Minister Finley said the following:

Strong literacy skills are more important than ever in today's knowledge-based society. Literacy and other essential skills provide a foundation for skills development and lifelong learning, and can help all Canadians participate in our economic prosperity and improve their quality of life.

Statistics Canada says that a 1 per cent rise in literacy scores is associated with an eventual 2.5 per cent relative rise in labour productivity and a 1.4 per cent rise in our GDP. By boosting adult literacy levels by just 1 per cent, Canada could generate \$18 billion per year. Thus, if we boost support for literacy, we could more than cover the cost of the cuts the Harper government just made.

We know that Canada's economy depends on immigration. Literacy skills are one of the ways we help new arrivals to this country boost their language skills and assimilate into their new society. Lack of literacy is one of the barriers that prevent many Aboriginal people from getting better jobs and living healthier lives.

[Translation]

Literacy programs are important to help immigrants and newcomers settle in their new country. These programs help Aboriginal people seeking training to find better jobs and lead healthier and happier lives.

[English]

Yet, on September 25, this government decided not to continue funding programs across Canada that were reaching out and providing literacy training in support of the thousands of adults who need help.

We know that there is a strong link between literacy and success on the job. The better an individual's literacy skills, the more likely that person is to have a good, well-paying job. The weaker an individual's literacy skills, the more likely that person is to have a poor paying job or no job at all. In fact, people with low literacy have only two thirds of the incomes of other adults.

The inevitable consequence of this situation is poverty. There is a connection between literacy and poverty. If we want to tackle poverty, we have to tackle literacy.

Honourable senators know there is a connection between poverty and poor health, just as there is a connection between poverty and literacy. Is there a connection, then, between health and literacy?

People with low-literacy skills are more likely to live and work in places that are unsafe. They are more likely to be under stress. They are more likely to have long-term health problems. Yet, they are less likely to understand the complex information that accompanies medication and treatment for such health problems. They are less likely to have access to information about eating well, exercising and not smoking. If we want to improve the health of Canadians, we must improve literacy rates. If we want to promote health, we must promote literacy.

It is clear that literacy is linked to many issues that affect the welfare of our citizens and the future prosperity of our nation. Any cuts to literacy programs, from my perspective, are incredibly short-sighted.

There is a clear link between literacy levels of parents and their children. Parents with strong literacy skills are more involved in the education of their children. Parents with strong literary skills are more likely to read to their children and to provide opportunities for them to strengthen their literacy skills. Those parents are partners in education.

Ms. Harper knows the importance of literacy for children. She and Minister Baird were volunteering with CanWest in a promotion called "Raise a Reader." To Ms. Harper and Mr. Baird, I say this: To raise a reader, it certainly helps to be a reader.

If we want to tackle literacy in children, we have to tackle literacy in adults. If we want a strong future, we have to tackle literacy. Our job, honourable senators, is to hold this government to account and question such mean-spirited, short-sighted budget cuts.

[Translation]

If we want to build a strong Canada, we have to train our people and ensure that all Canadians have the tools they need to succeed. It is incumbent upon us, honourable senators, to insist that the government reconsider these cutbacks and provide its most vulnerable citizens with the necessary programs. With a \$13-billion surplus, it has no excuse.

[English]

We have a \$13-billion surplus. The people of Canada have needs that must be addressed. They are not the fat to be trimmed off a surplus budget. If we are not using this money for those who need help, what is it good for, honourable senators?

Government is not always about value for money; it is about value for people.

• (1520)

Hon. Gerry St. Germain: The Honourable Senator Munson has put literacy in question. There is political literacy as well. As a new member of the Standing Senate Committee on National Security and Defence, and as a result of e-mails I have been receiving, I would like it on the record that I was assigned to this

committee in early September by my leadership and was advised at the time that there was a trip being planned to Europe, Dubai, and possibly Afghanistan. I made certain inquiries at the time regarding the Afghanistan portion of the trip, because I had commitments that conflicted with the earlier portion of the trip. The information I received regarding travel in Afghanistan and my past experience as a military officer resulted in my decision against participating in this travel.

I believe this committee has done good work in the past and I look forward to working with the members of it in the future. I am sure that my past actions in this place indicate that I always attempt to do what my personal judgment dictates, and I will continue to be guided by these instincts in all of my decisions, regardless of from whence requests or direction may come.

On motion of Senator Tkachuk, debate adjourned.

ISSUES OF IMPORTANCE TO REGIONS OF ALBERTA

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Mitchell, calling the attention of the Senate to issues of importance to the regions in Alberta, with particular emphasis on Grand Prairie.—(*Honourable Senator St. Germain, P.C.*)

Hon. Gerry St. Germain: Honourable senators, I wish to speak on the inquiry raised by Senator Mitchell last Tuesday concerning Grande Prairie, Alberta. I welcome every opportunity to join in any debate about Aboriginal conditions in Canada, the subject about which the honourable senator spoke.

It is important to monitor the progress of Canada's new government as it works to improve the well-being of the Aboriginal peoples of Canada. In collaboration with Aboriginal, provincial and territorial partners, the government is producing real solutions to the issues facing Aboriginal people in Canada. Honourable senators, the Honourable Jim Prentice, Minister of Indian Affairs and Northern Development and Federal Interlocutor for Metis and Non-Status Indians, has taken swift, decisive action on several fronts to help Aboriginal people attain a better quality of life, both on and off reserves.

The government's approach has focused on enhancing Aboriginal people's self-reliance through targeted efforts in four areas: First, Canada's government is directing investments toward housing and education to empower individuals to take greater control of their lives and futures; second, Canada's government is working to accelerate land claim settlements; third, Canada's government is promoting economic development, job training, skills development and entrepreneurship to open opportunities for people; fourth, Canada's government is laying the groundwork for responsible self-government by moving towards modern and accountable government structures.

The federal budget of April 26, 2006 made abundantly clear this government's commitment to finding real solutions to the challenges facing so many Aboriginal communities. In total, the

budget confirms funding of \$3.7 billion for investments in support of Aboriginal peoples.

Honourable senators will also remember that it was this new government that approved the Indian Residential School Settlement Agreement in May and launched the agreement's Advance Payment program.

Among other achievements to date, the government has directly addressed the very pressing matter of drinking water concerns in First Nations communities. This comprehensive plan, launched last March, includes a complete remedial plan for First Nations communities with serious water issues, starting with the 21 communities most at risk. The plan implements a protocol for use by First Nations community water systems staff with standards for design, construction, operation, maintenance and monitoring of drinking water systems. In addition, a three-member panel of experts has conducted Canada-wide public hearings on the options for establishing a regulatory framework to ensure that safe drinking water exists. First Nations have been waiting for this kind of decisive action for a very long time.

Senator Grafstein has been a great advocate of making water safe across this nation, and I congratulate him for that.

The government has provided a clear commitment to report regularly on progress. The water situation has been addressed. It is a shame that we let the situation get to this stage. Administrations in the past were responsible, but this is now being done, and I must compliment the minister and the government for this initiative.

In partnership with the First Nations Education Steering Committee, the Province of British Columbia — my province — and Canada's government have also made a major breakthrough for First Nations education in Canada. Under an historic agreement signed in July, Canada and B.C. will strengthen First Nations' capacity to exercise control over their education systems and institutions. This agreement will create better learning opportunities for First Nations students in British Columbia.

The Government of Canada will also continue to focus on accelerating specific land claims settlements, each of which clears the path to new economic and social opportunities for Aboriginal people and opens the way to strengthen governments. Honourable senators, let me be crystal clear: This Minister of Indian Affairs is acutely aware that land claims settlements are about justice, respect and reconciliation, and about building a better future for our Aboriginal peoples.

Honourable senators will also be interested to know about an issue very much concerned with justice and building a better future for Aboriginal women and their children. I refer to the longstanding problem of matrimonial real property on reserves and the lack of legal protection for Aboriginal women living on reserve when a marriage breaks down. This highly complex issue has deprived Aboriginal women of the basic human rights that other Canadians take for granted.

In response to this pressing problem, the Government of Canada, together with the Assembly of First Nations and the Native Women's Association of Canada launched a national consultation process aimed at finding a shared solution to this issue. Consultations and dialogue sessions are being held in

Aboriginal communities right across the country. In dealing with issues as pressing as water quality, education, housing and the rights and well-being of Aboriginal women and children, the government and the Minister of Indian Affairs refused to make vague promises and gestures. To improve the quality of life of Aboriginal people in Canada, the government must show tangible results and clear accountability. That is the course that the Government of Canada will continue to pursue with the utmost dedication, working with Aboriginal partners to develop effective, sustainable approaches to tackling the critical challenges of Aboriginal communities.

On the matter of the Asia Pacific gateway and the corridor initiative that was raised by our colleague in his inquiry, I will reiterate what was said by the Prime Minister. The Prime Minister announced federal contributions totalling \$591 million over a dozen Pacific gateway projects. The goal is to help Canada capture a larger share of the west coast shipping market. This is not a B.C. initiative; this is a Canadian initiative. A total of \$321 million will be immediately committed to a variety of infrastructure, transportation, technology and border security projects in Western Canada which are scheduled to be completed within four years. This is a massive undertaking, and it is a collaborative effort involving all levels of government and the private sector. The private sector firms have committed over \$3 billion in related capital investment to the Asia Pacific gateway and corridor-related projects between 2004 and 2010.

• (1530)

Container traffic at British Columbia's major commercial ports is expected to rise to 7 million units annually by 2020, boosting Canada's share of west coast container traffic from 9 to 14 per cent. Improving our international transportation and trade links will lead to more business opportunities and jobs for British Columbians and all Canadians.

Honourable senators, when the Harper government makes a commitment to do something, Canadians can expect action. The new government does not believe in making empty promises. The honourable senator from Alberta was unfortunately misguided in some of his assertions on what has been done on Aboriginal issues, as well as on the Pacific gateway project. I am proud to stand here today and tell you that our government may not be all things to all people, but what we say is what we do. We deliver on promises, and that is what this whole system is about. It is about looking after our Aboriginal peoples.

I can assure you, working with Senator Sibbeston and others from this honourable place, that we will provide the results for our Aboriginal peoples. It will not be idle, shallow talk. It will be a delivery on our commitment, and we will make life better for Aboriginal women, Aboriginal children and Aboriginals as a whole.

Hon. Jeremiah S. Grafstein: I want to commend the senator for that wonderful speech. We have heard great talk before but he has gone one step further; he has indicated that what this government says is what this government does. I welcome that, if that is the case, but I would ask the honourable senator just one question: In terms of measuring the water that will be created by this new program, will the standard that the department of Indian Affairs intends to adopt be that of clean, healthy drinking water?

Senator St. Germain: Honourable senators, I am not current on what terms of references are drafted as far as the quality of standards that will be established, but I can assure the honourable senator of one thing: If there is any doubt as to whether or not the standards will be high enough, I will look into it; I will personally pursue this matter and get back to the honourable senator, in order to reassure him or advise him of my findings as to what the actual standards are. I have every belief, having spoken to the Minister of Indian Affairs and Northern Development, that the highest standard will be set and our Aboriginal peoples will be treated like the rest of Canada, if not better.

Senator Grafstein: That is reassuring, and I appreciate your undertaking to pursue this matter further. Let me conclude by saying something for your information. There was evidence given previously, and it was on the record for Senator Banks' committee when they looked at the question of water. We discovered, to our amazement, that the standard established under the food and drugs regime guidelines to establish the standards of water across the country was voluntary and not mandatory. I complained about it in my bill that I hope to resurrect, but the real issue was that even the voluntary standard was eight years out of date. I repeat: Eight years out of date. That is not my evidence; that is the evidence that was presented to the committee by the Auditor General.

We have heard all the wonderful statements that have been made, and I commend the honourable senator for his energy in re-examining this matter. I would hope that while he is pursuing it, he would come back and make a statement to this chamber, indicating exactly what the standard is. If it is a standard under the Food and Drugs Act, is that standard now up-to-date, because as of several months ago it was eight years behind. The other point is: Will that standard be enforced as soon as possible?

Senator St. Germain: Honourable senators, I will do my utmost to source out the information and get back to the honourable senator and the Senate as a whole.

Hon. Serge Joyal: Honourable Senator St. Germain, I listened to you with great interest and care. I want to commend you for your passion and dedication in standing by the rights of the Aboriginal people of Canada.

The honourable senator has on the Order Paper a bill; it is Bill S-216, providing for the Crown's recognition of self-governing First Nations of Canada. Can he inform us of the progress he has been making in the promotion of that bill with the Minister of Indian Affairs and Northern Development, in the context of the commitment that he just outlined to us in his speech, and of the commitment of the minister to promote the conditions and improvements to self-government of the Aboriginal people? Can the honourable senator tell us whether his bill is part of the overall objectives of the minister and the government, so that we can debate his bill in the proper forum in committee and quickly make the progress that the honourable senator hopes to make?

Senator St. Germain: Honourable senators, I would be presumptuous in saying that my bill would influence the government or be part of the government's initiatives but I fervently hope, and have discussed with the minister and others, that the bill will be an influence, and that the contents of

the bill could become part of policy, by virtue of the fact that self-governance is an important initiative in the overall well-being of our Aboriginal peoples.

I do not think I am speaking out of turn here in saying that I have discussed this matter with the minister. The status of the bill is that the adjournment of the debate has been taken by Senator Austin. I have had conversations with Senator Austin as well with respect to moving the bill forward and, I hope, getting it to the committee stage. He has indicated to me, and I do not think it is any secret, that he would like to see more support from the Aboriginal community. There is huge support in that community, and I think Senator Joyal is aware of a great deal of the support that exists right across Canada with respect to this enabling legislation.

For, honourable senators, Bill S-216 is strictly enabling legislation. It is something that is being put forward that would enable Aboriginal communities with a land base, and seeking to proceed by way of self-government, to take control of their own destiny and improve their plight in life. It would mitigate the costs considerably, as well as the time factor, if this bill was enacted into legislation.

At the present stage, honourable senators, we are working on specific claims and an economic review study in the Standing Senate Committee on Aboriginal Peoples. These two issues, especially the economic development issue, tie right in with self-governance because there is a clear indication from our studies that economic prosperity and economic development is directly linked to the ability of our First Nations to take control of their own destiny by way of self-governance.

These recommendations are coming through. We are working on specific claims such as the unjust and fraudulent removal or theft of lands from our Aboriginal peoples. We are working on this issue at the moment because it will help our Aboriginal communities economically if these specific claims are resolved.

All of this is tied together. I would urge Senator Joyal and honourable senators on the other side to encourage Senator Austin to speak to the bill so that we can proceed with it and get it to committee. I would remind the honourable senator that the bill has only four days left on the Order Paper. I have said right from the very beginning that I do not care whose name is on this bill. I just want our Aboriginal people to be able to enter into a state of self-government at a reasonable cost and in a reasonable period of time.

• (1540)

This is not something that Aboriginal people are forced into. It is strictly an option they could enter into. I hope that answers the honourable senator's question.

I honestly believe that the present minister believes that self-government is an important factor. He was a member of the Indian Claims Commission for 10 years, so he brings with him a litany of experience in the Aboriginal file.

Since 1982, the Metis have been included in our Constitution, under section 35. The honourable senator was part of that, and I know his commitment is genuine. Any time I can answer a question for the honourable senator, and other senators, I am very appreciative.

[Senator St. Germain]

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I have a very quick comment.

The Hon. the Speaker: You are on Senator St. Germain's time, and his time has expired.

Senator Fraser: May I have 30 seconds leave?

Senator Prud'homme: I will count them.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Generally, honourable senators, I imagine that the Leader of the Opposition could speak on the subject and then adjourn. I imagine that would be one way of doing it. I give notice that next week I think both caucuses will be looking at the question of 15 minutes plus. The concept initially of 15 minutes was to have 15 minutes. We have taken the habit in the last two, three or four years that 15 minutes means a 15-minute speech plus five minutes of questions and answers. I am, at this point, giving notice that this matter will be looked at, and it should be looked at by both caucuses, to determine whether we want to change the rules again. We keep coming back to the rules not seeming to be adequate. If we want to change the rules so that speeches will be 20 minutes, let us look at it, but at least let us look at coming back to these 15-minute speeches.

Having said that, I think the Deputy Leader of the Opposition did want to have a minute or so to get a point across.

Hon. Marcel Prud'homme: Before Senator Fraser speaks, I know she will not mind a brief intervention. This might have escaped Senator Comeau, with whom I like to cooperate, but he said we may come to terms after consultation with the opposition. I know he is very sensitive to the fact that eight of us are not part of an official caucus. We may have to look at that, too, Senator Murray and I and others. In the meantime, I know he did not want to offend us when he said it was only after consultation with the opposition.

Senator Comeau: That is a good point.

Senator Fraser: I now have two quick comments. First, to Senator Prud'homme, there has not been any deal on this. The deputy leader and I meet every day to discuss house business.

Senator Prud'homme: It worried me.

Senator Fraser: We have noticed that it is becoming almost automatic for people to fill up the whole extra five minutes, and we agreed we would remind our colleagues that it is not an automatic thing. It is a privilege, and none of us should be abusing it.

My comment to Senator St. Germain is that Aboriginal people are fortunate to have such a passionate advocate of their interests in this chamber and in the government caucus. The honourable senator is not the only advocate, but he certainly is a very articulate and passionate advocate. I cannot make any commitments for Senator Austin, but I can undertake not to let your bill die on the Order Paper.

With that, I would move the adjournment of the debate.

On motion of Senator Fraser, debate adjourned.

[Translation]

THE SENATE

MOTION TO ACCOMMODATE SENATORS SPEAKING ANCESTRAL LANGUAGES— REFERRED TO COMMITTEE

On the Order:

Resuming debate on the motion of the Honourable Senator Corbin, seconded by the Honourable Senator Bryden:

That the Senate should recognize the inalienable right of the first inhabitants of the land now known as Canada to use their ancestral language to communicate for any purpose; and

That, to facilitate the expression of this right, the Senate should immediately take the necessary administrative and technical measures so that senators wishing to use their ancestral language in this House may do so.—(*Honourable Senator Comeau*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, to follow up on yesterday's discussion, I checked with my colleagues in Nova Scotia, and the first heavy snowfall has not yet arrived. However, I request the consent of the Senate to refer this matter to the Standing Senate Committee on Rules, Procedures and the Rights of Parliament for further study.

Hon. Eymard G. Corbin: Honourable senators, since this is my motion, I would prefer that the Senate take a decision here in this chamber, rather than refer it to the Standing Senate Committee on Rules, Procedures and the Rights of Parliament. I think it addressed this issue a number of times during the last session of the previous Parliament. Nevertheless, I would not object and I would be pleased to support the motion of Senator Comeau.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

On motion of Senator Comeau, motion referred to the Standing Committee on Rules, Procedures and the Rights of Parliament.

[English]

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF ISSUES DEALING WITH INTERPROVINCIAL BARRIERS TO TRADE— DEBATE ADJOURNED

Hon. Joan Fraser (Deputy Leader of the Opposition), for Senator Grafstein, pursuant to notice of October 18, 2006, moved:

That, notwithstanding the Order of the Senate adopted on Tuesday, May 2, 2006, the Standing Senate Committee on Banking, Trade and Commerce, which was authorized to

examine and report on issues dealing with interprovincial barriers to trade, be empowered to extend the date of presenting its final report from October 31, 2006 to June 29, 2007; and

That the Committee retain until July 31, 2007 all powers necessary to publicize its findings.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, this is one of those questions that I am quite sure the Deputy Leader of the Opposition knows that we from time to time ask. Will this cost us any more? Does this involve extra cost?

Senator Fraser: To the best of my knowledge, honourable senators, this does not involve any extra cost. This study has been authorized by the Senate and will not be completed on time. My understanding is that the committee actually does hope to conclude its study well before the date stated here of June 29, but, as a measure of prudence, it is asking for an extension to that time just in case. We never know. Parliamentary calendars sometimes run away with us.

Hon. Marcel Prud'homme: Honourable senators, I stand for one reason. I should like to ask a question of the honourable senator, who has been serving for a long time — since June 1984 — since this is his motion. I should like to adjourn the debate until next week.

On motion of Senator Prud'homme, debate adjourned.

• (1550)

QUESTION OF PRIVILEGE

Hon. Terry Stratton: Honourable senators, I rise on a question of privilege. Rule 59(10) states that notice is not required for raising a question of privilege.

The Hon. the Speaker: The house has taken a decision on that matter.

Senator Stratton: I am following rule 59(10) that no notice is required for a question of privilege. I would like to place my motion.

I move, seconded by the Honourable Senator LeBreton, that the question of privilege in respect to the misuse of funds allocated by the Senate to the Standing Senate Committee on National Security and Defence be referred to the Standing Committee on Rules, Procedures and the Rights of Parliament for investigation and report.

Hon. Joan Fraser (Deputy Leader of the Opposition): Your Honour, it is my understanding that the rule to which Senator Stratton has just referred is designed to refer to immediate matters. It is the only explanation I can find for the existence of that rule; that is, if a question of privilege were to arise in the course of proceedings as we speak, I could rise and say that I have a question of privilege. That is the only explanation I can find for the fact that rule 59(10) exists, but so do the detailed requirements for notice of questions of privilege, including written questions of privilege, set out in rule 43, which runs on through 12 subsections that have to do with timely but advance notice.

I gather from what Senator Stratton just gave a glimpse of in terms of the substance of his question of privilege that he is referring to a matter that did not arise immediately here and now. I would then assume that rule 43 applies, and as Your Honour has rightly observed, the Senate made a decision about that earlier this day.

Senator Stratton: I would like to proceed with my motion, if I may. I will make the argument for it, and then Your Honour can make a judgment thereafter as to whether it is legitimate, realizing that one of the criteria for a question of privilege is that it be done immediately. That was done today right after what transpired with respect to the trip to Dubai by Senator Kenny.

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, I know the house wants to deal with this matter in an orderly manner. If a point of order is to be raised in order that the chair is not misunderstanding the rules, I would be happy to hear that point of order.

My understanding is that a point of order was raised about the notice that had been given on a question of privilege, and we heard the arguments. That matter is under consideration by the chair. The house agreed that everything is frozen in time. It is Senator Stratton's right to raise this question of privilege, in which all honourable senators are interested because privilege is something we all share, so that the timeliness of giving the notice of the question of privilege is maintained. It is maintained until the chair rules on the point of order.

As to where we are now, it would be out of order to raise this matter under any rule. It is the ruling of the chair that we will proceed as we had agreed earlier in the day. A ruling will come down on whether the notice of the question of privilege was in order. If it is found to be in order, Senator Stratton will be not at any disadvantage in the order of time in presenting the argument as to whether there is a *prima facie* case.

[Translation]

Hon. Fernand Robichaud: Honourable senators, if you find the ruling to be in accordance with the *Rules of the Senate*, we must proceed, but if not, we can ignore it.

[English]

Hon. Daniel Hays (Leader of the Opposition): I want to observe that His Honour has made a ruling, and the only step that can be taken is to challenge the ruling. I am not challenging the ruling; I am standing to say that we either respect the ruling or challenge it. I take my seat so as not to challenge.

[Translation]

Senator Robichaud: Honourable senators, I was not seeking to oppose the ruling; I was merely trying to get the information I lacked.

The Hon. the Speaker: Honourable senators, that is the spirit in which I accepted the intervention. A decision has been made and will be maintained. That is the Speaker's decision.

ADJOURNMENT

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate, and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Tuesday, October 24, 2006, at 2 p.m.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned until Tuesday, October 24, 2006, at 2 p.m.

THE SENATE OF CANADA PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 39th Parliament)

Thursday, October 19, 2006

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Hazardous Materials Information Review Act	06/04/25	06/05/04	Social Affairs, Science and Technology	06/05/18	0	06/05/30		
S-3	An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act	06/04/25	06/06/22	Legal and Constitutional Affairs					
S-4	An Act to amend the Constitution Act, 1867 (Senate tenure)	06/05/30		subject-matter 06/06/28 Special Committee on Senate Reform					
S-5	An Act to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	06/10/03							

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-2	An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability	06/06/22	06/06/27	Legal and Constitutional Affairs					
C-3	An Act respecting international bridges and tunnels and making a consequential amendment to another Act	06/06/22							
C-4	An Act to amend the Canada Elections Act and the Income Tax Act	06/05/02	06/05/03	Legal and Constitutional Affairs	06/05/04	0	06/05/09	06/05/11	1/06
C-5	An Act respecting the establishment of the Public Health Agency of Canada and amending certain Acts	06/06/20	06/09/28	Social Affairs, Science and Technology					

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-8	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 (<i>Appropriation Act No. 1, 2006-2007</i>)	06/05/04	06/05/09	—	—	—	06/05/10	06/05/11	2/06
C-13	An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/06/06	06/06/13	National Finance	06/06/20	0	06/06/22	06/06/22*	4/06
C-15	An Act to amend the Agricultural Marketing Programs Act	06/06/06	06/06/13	Agriculture and Forestry	06/06/15	0	06/06/20	06/06/22*	3/06

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-201	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette)	06/04/05	06/06/22	National Finance	06/10/03	1			
S-202	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	06/04/05	06/05/31	Legal and Constitutional Affairs	06/06/15	1	06/06/22		
S-203	An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe)	06/04/05	Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08						
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	06/04/05							
S-205	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	06/04/05							
S-206	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	06/04/05							
S-207	An Act to amend the Criminal Code (protection of children) (Sen. Herveux-Payette, P.C.)	06/04/05							
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	06/04/06							
S-209	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	06/04/25							

Ifo.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-210	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	06/04/25							
S-211	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	06/04/25	06/05/10	Social Affairs, Science and Technology	06/06/13	0	06/10/17		
S-212	An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.)	06/04/26	Bill withdrawn pursuant to Speaker's Ruling 06/05/11						
S-213	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	06/04/26	06/09/26	Legal and Constitutional Affairs					
S-214	An Act respecting a National Blood Donor Week (Sen. Mercer)	06/05/17	06/10/03	Social Affairs, Science and Technology					
S-215	An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.)	06/05/17							
S-216	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	06/05/30							
S-217	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	06/05/30	06/10/18	National Finance					
S-218	An Act to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism) (Sen. Tkachuk)	06/06/15							
S-219	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	06/06/27							
S-220	An Act to protect heritage lighthouses (Sen. Carney, P.C.)	06/10/03							

PRIVATE BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-1001	An Act respecting Scouts Canada (Sen. Di Nino)	06/06/27							

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CANADA

Debates of the Senate

1st SESSION

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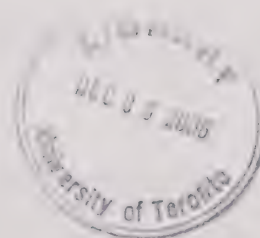
NUMBER 39

OFFICIAL REPORT
(HANSARD)

Tuesday, October 24, 2006

—

THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Tuesday, October 24, 2006

The Senate met at 2 p.m., the Speaker in the chair.

[Translation]

Prayers.

SENATORS' STATEMENTS

THE LATE HONOURABLE MARK LORNE BONNELL

Hon. Catherine S. Callbeck: Honourable senators, I wish to take a moment to pay tribute to our former colleague, Senator Lorne Bonnell, who passed away on October 9.

Dr. Bonnell lived a full life. He was a successful medical doctor, politician, entrepreneur and family man. He always showed a remarkable passion for the well-being of Islanders in both his public and private life. Over the course of his career as a medical doctor, he had more than 10,000 patients and delivered more than 3,000 babies. He was a fierce advocate for expanding and improving medical services, so that all Islanders could receive the very best possible care.

In his public life, he was seldom low-key. In fact, he was one of the most successful politicians in the history of Prince Edward Island politics. Dr. Bonnell was elected for the first time in 1951, at the age of 27, won re-election five times in a row, and served in a number of cabinet positions while in the legislature. He worked hard on behalf of his constituents, and his success on the campaign trail was a testament to the respect and confidence Islanders had for him.

Dr. Bonnell was no different when he arrived in the Senate in 1971. Anyone who served with him can attest to his spirit and energy here in this chamber. During his 27 years here, he fought for the Island and its people. He was proud of his birthplace, and worked hard to ensure that the voices of Islanders were always heard in Ottawa.

I am sure Lorne Bonnell will be greatly missed by all who had the good fortune to know him. I offer my sincere condolences to his children, Mark and Linda, and to the rest of his family.

QUESTION OF PRIVILEGE

WITHDRAWN

Hon. Terry Stratton: Honourable senators, on Thursday last, I gave written and oral notice of a question of privilege. At this time, I wish to advise the house that I will not be pursuing this matter as a question of privilege.

LA FÉDÉRATION CANADIENNE POUR L'ALPHABÉTISATION EN FRANÇAIS

Hon. Maria Chaput: Honourable senators, I wish to acknowledge today the Fédération canadienne pour l'alphabétisation en français, which is working strenuously for literacy in Canada, and literacy in French in particular.

In an e-mail dated October 19, 2006, Mr. Fernan Carrière, the director of communications for the FCAF, confirmed to me that:

— we are indeed talking about nine million people of working age (16-65 years old) across Canada who have difficulty understanding what they read.

And, according to him,

— if we were to add those over 65 years old, the number would grow to 12 million.

This is not a condemnation of the education system because, in language learning, lack of use will cause regression.

However, he points out that, in reality:

— a large portion of the nine million people of working age have a job. The problem facing them is that they can manage just fine until, following a work injury, health problem or plant closure, they have the misfortune of losing their job. Having made do with minimal reading skills until then, all of a sudden they find themselves lacking.

These figures are much more telling when we put a face on them.

I have learned that, each year, the FCAF publishes a collection of testimonials from a number of these individuals, under the title *Le Printemps des lettres*. Allow me, honourable senators, to read some excerpts from the 2006 collection, which are often very moving.

My name is Stéphane. I am 33 years old. It is important to learn to write because I want to work as a janitor.

• (1410)

And Michel wrote:

The business I work for will be closing soon. I would like to work for a company as a machinist. I would like to go to adult school to improve my reading and writing and to complete high school because you need high school to go to trade school.

Here is Monique's contribution:

I am a 40-year-old single mother. My son and I do schoolwork together after supper. I went back to school because I was afraid I would not be able to help my son.

Honourable senators, I would like to congratulate and thank the Fédération canadienne pour l'alphabétisation en français!

THE HONOURABLE ROBERT BOURASSA

UNVEILING OF OFFICIAL STATUE—QUEBEC CITY

Hon. Dennis Dawson: Honourable senators, last Thursday, I had the great pleasure of participating in the unveiling ceremony of the official statue of Robert Bourassa in Quebec City on the 10th anniversary of his death. I sincerely congratulate my colleague, Senator Lise Bacon, as well as the Honourable Jean-Claude Rivest, friends of Robert Bourassa who played a major role in this event.

Robert Bourassa gave Quebec medicare, family allowances and legal aid. He gave the province its Official Language Act, the first legislation to strengthen French in Quebec. He gave Quebec its status of women council and the Quebec Charter of Human Rights and Freedoms.

The best description of his priorities is captured in the two inscriptions at the base of the statue. The first reads:

April 10, 1971. Developing James Bay is the key to Quebec's economic progress. It is also the key to its social progress and political stability. It is Quebec's future.

The second, which is still quite relevant, says:

June 22, 1990. Quebec is, today and forever, a distinct society, free and capable of assuming its destiny and development.

This subject remains topical today, as evidenced this weekend in Montreal.

Far from being a passionate federalist, he was nevertheless a great, rational Canadian. His work on the Meech Lake Accord file, in partnership with the Prime Minister at the time, Mr. Mulroney, is an example of his practical approach to federalism. When Meech Lake failed, he could have easily used it as an opportunity to promote sovereignty and look like a hero in Quebec. On the contrary, although risking his reputation and his health, he launched a new effort to bring Quebec back within the Canadian constitution.

We have all met people who will mark our lives forever. For me, that person was Robert Bourassa. As a member of the Liberal Party, but not a militant one, I followed the career of this young opposition member in the Quebec National Assembly. In the fall of 1969, when he decided to take the plunge and run for the leadership of the Liberal Party, I decided to run as a delegate. I told myself that, if a young man of 35 wanted to and could potentially become leader of the Liberal Party and Premier of Quebec, then I could do my part. That is how my political career began.

[English]

I spent many years working in the Liberal Party under Robert Bourassa. I helped create the Quebec Youth Commission with Lawrence Cannon, who is now sitting in the other place. It was at

that time that I met both Senator Rivest and Senator Lise Bacon. She was president of the party at that time, and Jean-Claude went on to become my provincial counterpart as an MLA when I became a federal MP.

Mr. Bourassa's defeat in 1976 was a major setback for federalists in Quebec. However, his return in 1983 as leader, and then premier in 1985, of a still-federalist Liberal Party showed his commitment not only to Quebec, but also to Canada.

[Translation]

Upon his return to politics in the early 1980s, his path led him to me, since I was the Liberal caucus chair in Ottawa, and I did not hesitate to support him a second time. I remain proud of my support for this man, who gave so much to Canada, to Quebec and to Quebecers. Thank you, Mr. Bourassa.

• (1415)

ROUTINE PROCEEDINGS

CANADA HEALTH INFOWAY

2005-06 ANNUAL REPORT TABLED
2006-07 CORPORATE BUSINESS PLAN TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table two copies, in both official languages, of the Canada Health Infoway 2005-06 annual report and the Canada Health Infoway 2006-07 corporate business plan.

RULES, PROCEDURES AND THE RIGHTS OF PARLIAMENT

NAME CHANGE OF FOREIGN AFFAIRS COMMITTEE
TO INCLUDE INTERNATIONAL TRADE—
THIRD REPORT OF COMMITTEE PRESENTED

Hon. Consiglio Di Nino, Chair of the Standing Committee on Rules, Procedures and the Rights of Parliament, presented the following:

Tuesday, October 24, 2006

The Standing Committee on Rules, Procedures and the Rights of Parliament has the honour to present its

THIRD REPORT

Pursuant to the order of reference from the Senate of September 28, 2006, your Committee recommends that 86(1)(h) of the *Rules of the Senate* be amended by replacing the words "Senate Committee on Foreign Affairs" with the words "Senate Committee on Foreign Affairs and International Trade".

Respectfully submitted,

CONSIGLIO DI NINO
Chair

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Di Nino, report placed on Orders of the Day for consideration at the next sitting.

CANADA-FRANCE INTER-PARLIAMENTARY ASSOCIATION

ANNUAL MEETING, SEPTEMBER 11-16, 2006—
REPORT TABLED

Hon. Lise Bacon: Honourable senators, pursuant to rule 23.(6), I have the honour to table, in both official languages, the report of the 34th annual meeting of the Canadian delegation of the Canada-France Inter-Parliamentary Association, held in Paris and Touraine from September 11 to 17, 2006.

• (1420)

[English]

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

NATIONAL CONFERENCE OF STATE LEGISLATURES,
AUGUST 16-20, 2005—REPORT TABLED

Hon. Jeremiah S. Grafstein: Honourable senators, pursuant to rule 23(6), I have the honour to table in the Senate, in both official languages, the report of the Canadian delegation of the Canada-U.S. Inter-Parliamentary Group respecting its participation at the National Conference of State Legislatures Annual Meeting and Exhibition, 2005, entitled Strong States, Strong Nation, held in Seattle, Washington, August 16 to 20, 2005.

NATIONAL CONFERENCE OF STATE LEGISLATURES,
AUGUST 14-18, 2006—REPORT TABLED

Hon. Jeremiah S. Grafstein: Honourable senators, I also wish to table, in both official languages, the report of the Canadian delegation of the Canada-U.S. Inter-Parliamentary group respecting its participation at the National Conference of State Legislatures Strong States, Strong Nation, held in Nashville, Tennessee, from August 14 to 18, 2006.

STUDY ON PRESENT STATE OF DOMESTIC AND INTERNATIONAL FINANCIAL SYSTEM

INTERIM REPORT OF BANKING, TRADE
AND COMMERCE COMMITTEE TABLED

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

Hon. Jeremiah S. Grafstein: Honourable senators, I have the honour to table the tenth (interim) report of the Standing Senate Committee on Banking, Trade and Commerce entitled, *Passports and PASS Cards, Identity and Citizenship: Implementing the WHTI*.

On motion of Senator Grafstein, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

SENATE REFORM

NOTICE OF MOTION TO AUTHORIZE SPECIAL
COMMITTEE TO EXTEND DATE OF FINAL REPORT

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, notwithstanding the Order of the Senate adopted on Wednesday, June 21, 2006, and Wednesday September 27, 2006, the date for the Special Senate Committee on Senate Reform to submit its final report be extended from October 26, 2006 to December 21, 2006.

Before the motion is put by the chair, I wish to ask leave to explain what is behind my moving of this motion, to clarify.

Hon. Marcel Prud'homme: I intended to ask for clarification.

Senator Hays: Honourable senators, the committee has been working on, and I can advise has completed its work —

The Hon. the Speaker: I take it that the honourable senator is simply giving a notice of motion at this time. If the honourable senator is asking for the consent of the house to make a few observations, we will not get into the substance of the motion. This is a notice of motion, but the Leader of the Opposition is always recognized. If he wants to make an observation, the house would be pleased to hear it.

Senator Hays: I take it that I have leave, honourable senators, to do this.

I wanted to advise the reason for the notice of motion, to avoid confusion in senators' minds. As honourable senators know, we have had under study Bill S-4, and a motion moved by Senator Murray, seconded by Senator Austin, to increase Senate seats.

The notice of motion is not given in respect of anything to do with those two matters. It is expected that reports on those two matters will be tabled in this place this week, on either Wednesday or Thursday. It has to do with other work that I wish to propose that the committee do and that will be dealt with in the committee at a later date.

[Translation]

OFFICIAL LANGUAGES

NOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Maria Chaput: Honourable senators, I give notice that, at the next sitting of the Senate, I will move:

That, pursuant to Rule 95(3)(a), the Standing Senate Committee on Official Languages be authorized to meet on November 14 and 15, 2006, even though the Senate may then be adjourned for a period exceeding one week.

• (1425)

[English]

QUESTION PERIOD

AGRICULTURE AND AGRI-FOOD

CANADIAN WHEAT BOARD—MEMBER PARTICIPATION—MARKETING SYSTEM

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, last week, in an exchange with the Leader of the Government, we talked about the Canadian Wheat Board. As senators will recall, our exchange touched on the provisions of legislation relevant to whether or not the single-desk selling function of the board would change, a measure with which the government has indicated they wish to proceed. In answer to a question from Senator Mitchell, I took it that the leader was confirming that plans were being made to hold a producer vote on this question. Of course, the legislation provides for such a vote.

My question is: Can the Leader of the Government confirm that my understanding of her answer is correct?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question.

There will be an election involving the Canadian Wheat Board this fall as grain producers vote to elect directors to the Wheat Board in an electoral process that, as you know, is currently under way.

Senator Hays: Honourable senators, the conclusion that I drew was incorrect, then, and I need the leader to confirm that she did not make that statement.

Let me ask the question now: Is it the intention of the government to hold such an election, as called for by the legislation, on the issue of whether or not the single-desk selling function should continue?

Senator LeBreton: I thank the honourable senator for his question. The government is working on the outline of how a strong and viable Canadian Wheat Board will operate in a marketing choice environment. We are presently consulting producers as we prepare the way forward. No options have yet been ruled in or out. A task force is currently exploring a range of options, and the Minister of Agriculture has said in the other place that he expects to receive the report on the findings of the task force within the next couple of weeks.

It is interesting to note that the Province of Manitoba has now said that they are prepared to go ahead with a vote, but as I said, we will await the findings of the task force.

Senator Hays: I have noted the statement of the Minister of Agriculture for Manitoba on that subject, as the leader has indicated. I think it represents a strong sentiment from an important prairie province that signals how strongly the feelings are about respecting the legislation that would require that producers be given a voice in a plebiscite. A moment ago I used

the word "election;" I meant "vote." That is, a plebiscite, a referendum or whatever the word might be; the provisions of the act are clear that, before changing that section or before changing that practice, this vote is a condition precedent.

However, the closed door hearings of the committee looking into this matter tend to be a flag for many supporters — and in some cases non-supporters — of the board that the government is not following the proper procedures, which I have described. I will not repeat them.

• (1430)

If the Leader of the Government cannot give the answer now, will she seek an answer, or if she can give an answer now, will she indicate when these concerns will be addressed and producers can be satisfied that they will have their proper say in a plebiscite as called for by the legislation?

Senator LeBreton: Honourable senators, I believe that in July a round table was held with producers and various stakeholders in the industry. I will only repeat what I said a few moments ago. We are committed to marketing choice. The task force that has been struck to consider all options is in the final stages of preparing its report. Minister Strahl did say that he expected to make a decision on their findings, and on the direction the government plans to take, after the report is presented within the next couple of weeks.

Senator Hays: In the same context, can the Leader of the Government in the Senate confirm that the government intends to respect the requirement of the legislation?

Senator LeBreton: The government intends to respect the commitment we made in the last election campaign to provide marketing choice for Canadian wheat growers.

HEALTH

FUNDING TO THE SECRETARIAT ON PALLIATIVE AND END-OF-LIFE CARE

Hon. Sharon Carstairs: Honourable senators, my question is to the Leader of the Government in the Senate. I want to thank her for her very quick reply to my question of October 3, which was provided by delayed answer on October 19.

I am extremely pleased that the Secretariat on Palliative and End-of-Life Care in Health Canada is taking pride in all the programs that were initiated during the time I was the minister with special responsibility for palliative care. However, that was three years ago, and it appears that nothing has happened since.

I know that there were a number of initiatives on the drawing board from the working groups. Can the Leader of the Government in the Senate tell me why the public awareness program informing Canadians about palliative care, about advance directives and the right to choose the care they receive will no longer be funded?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, when my honourable friend asked the question about palliative care, the information I received indicated that the government did not cut the funding. The

honourable senator talked about a meeting she had attended in Montreal, where a letter from Minister of Health, Tony Clement, was read.

There were savings all across the board, but the government did not cut the funding. There was a proportion of the budget that had never been used. In fact, no cuts were made to the palliative care program.

Senator Carstairs: Honourable senators, I think the minister's information is incorrect. The budget for the secretariat last year was \$1.3 million. The budget for the secretariat this year, after cuts, is \$470,000. By any stretch of the imagination, that is a cut.

Can the Leader of the Government tell the house why there will not be a national strategy on palliative care, a concept approved by this chamber last week but, quite frankly, on the drawing board of the secretariat for the past three years, and for which there will now be no funding?

Senator LeBreton: Oftentimes, various agencies of government draw up a budget, so we can use the terms "budget" and "actual need." It is my understanding that when the Department of Health went through the various programs, they budgeted sufficient funds for all of these programs to continue. However, they put into the savings pot, if you will, monies that were not used. That in no way impeded the ability of the program to operate because they never used the full budgeted amount.

• (1435)

Senator Carstairs: Honourable senators, even in the minister's own reply she indicated that the working groups were not guaranteed to have this money. Obviously, they once had money but now they do not have money. Can the honourable minister tell the house how Canada is to have national standards for the delivery of palliative care and how those standards are to be implemented when there has been a cut of greater than 50 per cent to the secretariat that would be the very group to coordinate the development of these international standards?

Senator LeBreton: The honourable senator has complimented me on the delayed answer to her that clearly outlines many of the good initiatives that she worked on. By virtue of the answer, those programs are continuing. I do not accept that the government has turned its back on this or on any other important area simply because it found savings, often produced by the departments, in areas where programs can continue without spending every cent previously allocated, especially the money that had not yet been spent. The delayed answer in response to the honourable senator's question states that palliative care is not in any danger.

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

FUNDING FOR LITERACY PROGRAMS— FEDERAL-PROVINCIAL-TERRITORIAL PARTNERSHIPS

Hon. Joyce Fairbairn: Honourable senators, my question is to the Honourable Leader of the Government in the Senate. I wish to continue with a concern that has been expressed across the country. I received many phone calls yesterday from people in coalitions who are very worried about trying to keep their programs alive for the next few months. The Honourable Diane

Finley, Minister of Human Resources and Social Development, said in our exchange last week that she is eager to work in cooperation with her provincial and territorial counterparts. That was good news, and I would hope that we will see the benefits from that association.

In recent years, the National Literacy Secretariat and its provincial and territorial counterparts had been working hard at a pan-Canadian literacy strategy, which would open up the doors of learning ever wider and would create greater value for dollars spent. This was a strong recommendation of the Human Resources Committee in the other place and of a broad cross-section of business, educators and social policy groups across the country.

I would like to know from the Leader of the Government in the Senate whether this federal-provincial partnership can continue to be pursued in a practical manner, and not in a way that pulls back from a mutually beneficial cause. The strategy has been out there for a while and simply should not stop. We should have a Canadian accord on literacy that would help every person in every corner of this country.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thank the honourable senator for her question. There is no indication whatsoever that cooperation between the federal, provincial and territorial governments on literacy programs will stop. I have seen no evidence of that ending, and I have heard not one person say that the good work in the area of literacy has been impeded or impaired by government announcements. Literacy and skills programs abound in virtually every major department of government such as Indian and Northern Affairs and Citizenship and Immigration, just to name two.

The government has spent considerable time looking at the issues of skilled workers and adult literacy and has earmarked \$81 million specifically, in addition to the funding that I mentioned in the chamber the other day for various other departments. I have seen no proof.

• (1440)

As I said several weeks ago to Senator Fairbairn in answer to this question, if she could say six months from now that somehow or other the literacy programs or people in this country have suffered as a result of the considerable efforts that the government is making, then I might be prepared to concede that we should take a look at them. In fact, these programs will be improved because we are targeting our efforts to train skilled workers. As we know, there is a serious skilled labour shortage in the country.

Rather than running around like Henny-Penny saying the sky is falling in, the literacy and skills training programs that the government is supporting will certainly benefit Canadian citizens and will prove to be very worthwhile.

Senator Fairbairn: I should say to the Leader of the Government in the Senate that I am no Henny-Penny either. I have listened carefully to what she said. I also must listen carefully to those who are on the ground teaching people in these programs and who now must shut their doors because they do not have the assistance forthcoming that had been indicated. I am not making these things up. These people are hoping their funding will last

into the new year. I am hopeful as well, but at the moment they are concerned about being able to fund the programs they have been using.

Honourable senators, there is a glitch somewhere. I do not know what it is, but I do not want to see it happen any more than does my honourable friend, certainly not to those people who are coming forward to learn new skills so they can have a decent life.

Senator LeBreton: Honourable senators, as part of the overall literacy program announcements and also as part of the announcements with regard to the savings that were found, it is clear that existing agreements are not being touched. Again, all programs that had been funded will continue to be funded through Minister Finley and her provincial and territorial counterparts.

One of the problems of the past, as the honourable senator knows, was governments infringing on each other's territory. In the future, some of the organizations that are presently being funded will have the opportunity to approach their provincial authorities, who will be working with Minister Finley at the federal level. Again, if six months down the road there is an organization that has not been able to access a particular program, then perhaps it will be time to ring the alarm bell; but at the moment I certainly do not think so.

Few members of the government have actually asked this question in our own caucus. Without divulging caucus secrets, this is not an issue that is receiving much attention from people out there. When it is explained what the government is doing, there is not a great deal of concern being expressed across the country about our well-thought-out literacy and skills training program.

Hon. Catherine S. Callbeck: Honourable senators, on a supplementary question to the Leader of the Government in the Senate, I do not know how she can say that no concern is being expressed.

• (1445)

I would like the Leader of the Government in the Senate to come to Prince Edward Island and talk with some of the Islanders who have been involved in these programs. The leader says there is no indication that literacy programs have been affected. I can tell honourable senators that in my province, the Prince Edward Island Literacy Alliance has indicated that they will be closing their doors on March 31 unless the federal government reinstates that money. How can the leader say that there is no indication that literacy programs have been affected?

Senator LeBreton: Honourable senators, there will always be people who have strong views on all sides of these issues. The fact is that we have set aside \$81 million, in addition to the monies that other departments spend on literacy and skills training.

With regard to the specific organization in Prince Edward Island, I will take that question as notice, because I would be interested to know what the provincial and federal governments are doing co-operatively for literacy on the Island. We have witnessed many examples of people saying that if they do not get X number of dollars, they will shut their doors. In fact they do not

because, having looked into the program and accessed it properly, such a consequence did not occur. I am not referring specifically to the organization that the honourable senator mentioned.

However, I will take her question as notice and get back to the honourable senator with the views of the department and the minister, including the minister's dealings with her counterpart in Prince Edward Island, in an attempt to answer the honourable senator's specific question.

[Translation]

THE CABINET

STATUS OF MINISTER OF PUBLIC WORKS AND GOVERNMENT SERVICES—DIFFERENCE BETWEEN GENERAL ELECTION AND BY-ELECTION

Hon. Joan Fraser (Deputy Leader of the Opposition): My question is for the Minister of Public Works and Government Services.

It will be recalled that when the minister was appointed to the Senate a few months ago, he promised to resign from the Senate at a certain point and run in the next election.

We also know that there will be a by-election in the riding of Repentigny, near Montreal, on November 27. The minister has let it be known that he will not stand in this by-election.

I would like to make two points: first, we are not in a hurry to lose him because we like having the minister among us; and second, some of us do not accept the principle so often stated by the Prime Minister that there is less democratic legitimacy in being a senator, or even a minister in the Senate, than there is in being a member of Parliament or a member who is appointed minister.

That being said, the Prime Minister and other members of his party have often stated this principle.

I would like to know, in terms of the so-called principle of democratic legitimacy, what is the difference between a general election and a by-election?

[English]

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I am very happy to report that we will not be losing Senator Fortier. Senator Fraser's wish is our command. Senator Fortier will be staying in the Senate for a while yet.

Senator Fortier will not be running in the by-election. We already have a candidate nominated in that by-election.

The Minister of Public Works is a very important position. When Senator Fortier was named to the cabinet in their portfolio as well as, representing Montreal at the cabinet table, he made it clear that it was his full intention to run in the general election for a seat in the House of Commons, not for a seat in the Senate. His position was clearly understood and everyone supported it.

It is rather interesting to observe the short memories on the other side, because the Liberals appointed a senator as a member of cabinet in 1997 or 1999, I believe, when they won no seats in Nova Scotia. It caused Senator Graham to lose his position as Leader of the Government in the Senate. The Liberals appointed Senator Bernie Boudreau, who sat as the government leader in the Senate. Thereafter, there were many by-elections, including in Nova Scotia, but Senator Boudreau did not run. He stayed in the Senate, and when the general election was called he ran and lost.

• (1450)

Senator Fraser: I have two supplementary questions. First, why can the minister not answer questions about his own political future? Second, I shall repeat my main question: In terms of this much vaunted principle of "democratic legitimacy," what is the difference between a general election and a by-election? Could the minister answer that for me?

Senator LeBreton: If I have to explain to the honourable senator after all her years in politics and as a former editor of a major newspaper the difference between a general election and a by-election, we are in severe difficulty.

The fact is that I take this question, as the government leader in the Senate. We had a discussion about this issue in the chamber the other day, and it is not a matter specifically relating to the Department of Public Works.

Senator Fraser: Does the leader mean that if the minister vacates his position, it is not a matter related to his department?

Senator LeBreton: At the beginning of my answer, I said the honourable senator would get her wish and that Senator Fortier would be here. There is no question of his vacating his position as the Minister of Public Works.

[Translation]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting two delayed answers to oral questions raised in the Senate. The first response is to a question raised by Senator Dallaire on September 26, 2006, in regard to equipment procurement and the second to a question raised by Senator Campbell on October 3, 2006, in regard to palliative and end-of-life care.

NATIONAL DEFENCE

EQUIPMENT PROCUREMENT

(Response to question raised by Hon. Roméo Antonius Dallaire on September 26, 2006)

Budget 2006 was exciting news for DND and the Canadian Forces. It was evidence that this government strongly supports our men and women in uniform and their need for additional resources to pay for revitalizing the military and purchasing new equipment.

The increase in funding allowed DND and the Canadian Forces to move forward on major procurement purchases, including strategic airlift. The procurement announcements that were made last June are the most significant investment in the Canadian Forces in a decade.

Negotiations are underway with Boeing to acquire four C-17 Globemaster aircraft. Boeing will be required to invest in the Canadian industry in an amount equal to the value of the contract.

Due to a recent change in government accounting practices, the cost of projects of this magnitude is now spread over the useful life of the acquired asset. Accordingly, the annual budgetary amounts would only include a portion of the full capital cost of such assets.

With respect to the acquisition of strategic airlift, the funding was provided to the Department separately and specifically for that particular project. Furthermore, Budget 2005 and 2006 provided additional cash investments that will allow the Department to pay for the life cycle costs of the aircraft. The Senator can be assured that the Department has not taken money away from existing projects to pay for the acquisition of strategic airlift.

TREASURY BOARD

TERMINATION OF SECRETARIAT ON PALLIATIVE AND END-OF-LIFE CARE

(Response to question raised by Hon. Larry Campbell on October 3, 2006)

This government is committed to ensuring quality health care for all Canadians, both young and old, this includes palliative and end-of-life care.

Health Canada's Secretariat on Palliative and End-of-Life Care supports community-led initiatives to improve end-of-life care. The Secretariat's budget is determined on a year-by-year basis by allocation from within departmental resources. There is no pre-set annual budget. The budget for the current fiscal year has not yet been finalized.

In the past, resources have supported the palliative care community in the implementation of national-level improvements to the education of health care providers, accreditation standards for palliative care, and networks for palliative care research. This is valuable work and this government looks forward to, and indeed counts on, continued engagement of the palliative care community, with available funding.

This year, the government continues to support work by the palliative care community. For example, Health Canada is working with the Canadian Virtual Hospice to build an interactive website to provide one-stop shopping for Canadian palliative and end-of-life care researchers. This website will make available to researchers information such as sources of research funding, research methodologies, research findings, proposal summaries and the like. It will also provide opportunities for networking among

researchers. This will allow researchers to build on each others' work and improve the capacity in Canada for palliative care research. This work is already underway.

In addition to funding provided through the Secretariat, the federal government supports palliative and end-of-life care through other means. Other important initiatives funded by Health Canada include the \$1.2 million *Educating Future Physicians in Palliative and End-of-Life Care*, the \$750,000 *Teaching Interprofessional Collaborative Patient-Centred Practice Through the Humanities*, and the \$4.3 million *Pallium Integrated Care Capacity Building Initiative*. Furthermore, Human Resources and Social Development Canada is administering Employment Insurance Compassionate Care Benefits which allow Canadians to take time away from their jobs to care for gravely ill loved ones. Such federal initiatives are enhancing Canada's capacity to handle end-of-life issues.

Provinces and Territories have responsibility to deliver health care. The federal government is providing \$41.3 billion to provinces and territories in order to give Canadians better access to quality health care, including home palliative care services, through the Canada Health Transfer fund.

[English]

ORDERS OF THE DAY

INTERNATIONAL BRIDGES AND TUNNELS BILL

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Eyton, seconded by the Honourable Senator Angus, for the second reading of Bill C-3, respecting international bridges and tunnels and making a consequential amendment to another Act.

Hon. Jeremiah S. Grafstein: Honourable senators, the Senate finally has an opportunity to consider this bill, which deals with the international bridges and tunnels across Canada.

• (1455)

This bill, in my view, is crucial to our economy. It talks about trade corridors between our two countries in a very important and systemic way. You will recall that the Senate Banking Committee in its report on productivity stressed the importance of border efficiency. We are delighted that finally this bill has been presented to us.

There are 24 international bridges and tunnels along the 6,400 kilometres of border that separates Canada from the United States, and each is different: Twenty-two are public and two are private. There are two major crossings: one in Windsor-Detroit and one in Buffalo-Niagara Falls. Of the two private bridges, one is in Fort Francis — not a large one but an important one — and a major one is in Detroit.

The two major crossings, Detroit and Buffalo, represent almost 70 per cent of all commercial traffic between our two countries. There has not been an expansion in those crossings since the 1930s, nor have they been expanded, in over three-quarters of a century. Obviously, bridges and tunnels play an indispensable role, especially when they are international, and crucial to Canada's transportation network. They facilitate our explosive international trade and, regrettably, our diminishing tourism.

All of us say this over and over again: Canada is a trading nation. More than one out of every three jobs depends on our trade. The role of international bridges and tunnels in our economy is simply indispensable if we are to prosper in the future. It has been 13 years since the Liberal government signed on to the North American Free Trade Agreement. Trade between Canada and the United States continues to accelerate. Over \$1.6 billion in trade crosses that border every day, and our trade has continued to increase by more than 6 per cent, year over year, over the last decade. This, obviously, is due in large measure to both the FTA and to NAFTA.

To repeat, we know that the great majority of Canadian exports into the United States go by truck or rail, particularly by way of the crossings between Ontario and New York and Michigan. This is a crucial point when we consider, for example, the auto industry and the auto parts industry that play such a central role in Canada's economy as engines of growth. In our shared jurisdiction, between Canada and the United States through the Auto Pact, we now produce cars more efficiently than any single nation state in the world. It is extremely important, therefore, honourable senators, to ensure that transportation between our two countries remains clear and unimpeded or, as the auto people will tell you: On time, just in time.

That goes to the very heart of Canada's productivity. That was the subject matter that the Senate Banking Committee explored in its study. Regrettably, the committee discovered that we lag dramatically behind the United States — by something like over 15 per cent in productivity, and we are not making much progress in that direction.

Today, all companies track their inventory in live time as it is shipped and delivered. This just-in-time inventory management practice has swept through most economic sectors now, and each and every company that does trade with the United States relies on seamless, continent-wide transportation delivery systems. In 2005, our bilateral trade in total exceeded \$580 billion — \$1.6 billion each and every day. One study suggests — properly — that if Canada does not improve its operation of its existing stock of international bridges and tunnels and start at once into developing new crossings, Canada could lose — and I want honourable senators to note this — up to 70,000 jobs by the year 2030, and possibly forgo almost \$22 billion in production.

Clearly, what is needed is to give the federal government the legislative authority required for effective oversight of international bridges and tunnels, in order to ensure that the interests of all Canadians are protected, maintained and accelerated. It was the Liberal governments' work in this area that culminated in an understanding that we must finally make a coherent, systematic, overall approach to all these vital structures.

[Senator Comeau]

The bill that we are now considering is identical in purpose to the legislation that former Liberal governments brought to the other place on two previous occasions. The chronology is simple and clear, and I will be concise. The Canadian Transportation Act amendments were along the lines of the current Bill C-3, which were tabled as part of Bill C-26 during the Second Session of the Thirty-seventh Parliament. The current Prime Minister and the Canadian Alliance were not interested at the time in working on these amendments, and they voted against them at second reading.

• (1500)

In the Thirty-eighth Parliament, the Liberal government introduced Bill C-44, which included the very same amendments; and, once again, the opposition of the day, now the government, found little if any merit in the proposals made by Liberal governments. At the time, instead of choosing to bring down the government with the help of the NDP and the Bloc Québécois, they, in effect, killed the legislation for a second time, seriously impeding the modernization of bridges and tunnels upon which so many jobs depend in Canada.

Some still claim that the previous Liberal governments did nothing. That is absolutely not correct.

Finally, the introduction of Bill C-3 is a clear statement by the current government — and I welcome this — in actions, rather than words. This is an affirmation to me of the previous work that we and others on this side did, and the Liberal governments did, working for the interests of all working Canadians.

Honourable senators, let us briefly look at the key elements of this bill. At its core, Bill C-3 is the exercise of the federal government's jurisdiction and constitutional powers as outlined in sections 91(29) and 92(10) of the Constitution Act, 1867. Bill C-3 reaffirms our federal government's investments in the safety and security and the commerce of our country across these border points.

At first blush, the bill would appear to grant an almost unfettered authority in the Governor-in-Council or the Minister of Transport when it comes to all matters relating to international bridges and tunnels. A closer look suggests that it achieves a reasonable balance between the free movement of goods, people and services and the need for emergency powers and standards for building, owning, financing and operating such a bridge or tunnel, all the while building in safeguards to protect against excessive control and appropriate security standards.

The bill does not address the expansion of these border points, but it does give the government leverage to direct and push and promote the expansion of these bridges and tunnels. For example, under Bill C-3, no one can build or alter an international bridge or tunnel without federal approval. This is a hallmark feature of the previous Liberal government's approach to this issue. I hope the government does not use this as an excuse, especially with respect to Detroit-Windsor and Buffalo-Niagara Falls, to impede or slow down the expansion of those two border points. As I pointed out, Detroit is in private hands and Buffalo is in public hands. There is absolutely no reason why the federal government should not insist, prod and push for expansion in Detroit and Windsor and in Buffalo-Niagara.

Members of the Canada-U.S. Interparliamentary Group have been on this issue for a decade and still no progress, still no expansion. It has been 75 years, three-quarters of a century, with trade booming and still these two key border points have not been expanded. It is a national scandal.

I am delighted that the government has finally seen the wisdom of previous Liberal governments, changed its mind and accepted our Liberal principles to expand and modernize these border points. However, those powers are not in that bill. When it is referred to the Transport Committee, I hope the committee will look at this question and determine how the existing powers will be utilized to promote those objectives.

A transparent approval process is set out in this bill, all to the good, including the need for documentation, giving wide scope for the imposition of terms and conditions that the Crown considers appropriate. When it comes to maintenance and repairs, the Minister of Transport would be authorized to order any action of an owner or an operator to ensure the bridge or tunnel is kept in good and safe condition.

The key is the power of issuance of letters patent for incorporation, which would allow the creation of a corporation to operate or build an international bridge or tunnel. If existing tunnels and bridge ownership lag behind, it gives the government power to facilitate new bridges at these key points or all key points. I hope the committee will look at this quickly and efficiently, and the government will start moving on this front.

Liberal governments worked very hard to ensure a high degree of specificity around any new company that might get into the bridge or tunnel business. The current bill reflects this, as to require approval for a number of directors on a corporate board, their powers and duties, that a code of conduct would apply and that the terms of ownership of the corporations would be spelled out.

Honourable senators, we on the Liberal side went further. We set out methods of consultation. The Liberals believe that the government also should be in a position to revoke letters patent of incorporation, onerous duty-of-care provisions for any directors and officers of corporations in the international bridges or tunnels business. The Liberal governments worked to build a foundation to demonstrate that this bill could assist in the oversight of international bridges and tunnels in the national interest, in the interest of a vibrant, growing, productive, national economy.

Other orders of government expect that the federal government would have these powers and Canadians would assume that their federal government would look after these matters. Is it not ironic that the new government continues to take the substantive work done by Liberal governments to underpin this bill, all to the good? Liberal ideas are usually borrowed or stolen or adopted by the party on the other side and this will not be the last one. If they are good ideas, we welcome the theft.

Canadians could be forgiven for concluding from this stance on this bill, as in so many actions, that the Conservative government needs to be prodded to rebuild a strong, vibrant and productive economy, all to the good.

There is, however, an outstanding issue — the question of regional consultation. We in this house represent the regions of this country, so we should be concerned; that is to say, should the Minister of Transport ultimately authorize, for example, the construction of a new bridge or the expansion of an existing tunnel, what obligations rest on the minister to consult with other orders of government and interested parties? Some have argued that municipal and provincial governments ought to have some formal forum to express their views. We on this side would agree with that proposal.

Others have said that compelling private parties should be consulted by the minister, which might compromise what they describe as “trade secrets.” Hopefully, the committee can work this problem out and make stern and strict recommendations to the minister about how to deal with these questions.

It is unfortunate that the government, in its approach to this debate, has not clarified the question of consultation. This can be worked out in committee. Consultation should be allowed without delaying decisions to be taken for new construction in the national interest. The government should clarify its position in committee on this issue.

Honourable senators, I support Bill C-3. Hopefully, the committee will examine why delays have taken place in not expanding those two crucial border points that we all agree are so vital to the growth and productivity of our economy.

Finally, the government has crossed a point of no return — the Rubicon, as they said in the other place — to move forward on this border agenda. Bill C-3, at its heart, core and substance, is yet another example of great Liberal legislation that for 13 years languished in the other place for lack of support on the other side, which would have strengthened the economy and defended Canadians against threats to their safety, security and mobility.

I commend the government now for choosing a modest and well-founded work for its second bill this session. The committee has diligent work to do. The opposition on this side will help. We will not play games with what is clearly a bill in Canada's national interest.

Let us get on with the work, honourable senators. Let us push to provide new and modern transit points across all our border crossings — especially Windsor-Detroit and Niagara-Buffalo. I urge that we move this bill to committee as soon as possible. The committee has much hard work to do and we will help.

Hon. Norman K. Atkins: Would the honourable senator take a question?

Senator Grafstein: Of course.

Senator Atkins: Is my honourable friend aware that the Standing Senate Committee on National Security and Defence has been working on this case for a long time? I think his speech is great, but he could have left out the Liberal rhetoric. We are all in favour of improving the border entry points.

However, negotiating on the other side with the municipalities and states has become a big problem in terms of solving, for instance, the border entry issues at Detroit-Windsor. A new

bridge is being built in New Brunswick, and it even took a long time before we could get that done. I think what the honourable senator is saying is admirable. I hope this bill does go through. However, a great many impediments have to be overcome in terms of dealing with the Americans.

• (1510)

Senator Grafstein: I thank the honourable senator for his question. I did not in any way, shape or form mean to demean the excellent work being done by other committees on this particular question. The problem is that there is no progress on the ground. Let me deal with the two issues that the honourable senator has raised briefly because I have spent a lot of time looking at both questions, both as chairman of this committee and also as co-chairman of the Canada-U.S. Inter-parliamentary Group. I have travelled to most of the border points across the country. I have visited bridges in many parts of the world for precisely this reason. Bridges in many countries are miles long and have been built in 18 months. The Prince Edward Island bridge, which was a tremendous undertaking, was built in a short period of time after a century of debate. Things can be done quickly if there is a political will to do it.

The problem with the New York and Ontario crossing is that there are 44 agencies, all with various interests, but there is no reason why the government cannot exert its national power. I would have gone further; I would have insisted that this would be of public interest, in the national interest, and gone forward with it and cut through all that red tape. I have spoken to American senators and congressmen; they are all in favour of another bridge in the Niagara region.

The same thing applies when we look at to Michigan. I have talked to governors, senators and congressmen on the other side; they all agree as well. It takes political will to push that idea or agenda.

Ministers have met. They have met at the border. The Prime Minister, the former Prime Minister and the President of the United States met at a border point for the first time in history. Secretaries of State have met. It is great talk, but there is no action. At least this bill gives power to the federal government to move if it chooses to do so, and I hope that it will.

Hon. Senators: Question!

The Hon. the Speaker: Senators seem to be ready for the question.

Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: When shall this bill be read the third time?

On motion of Senator Comeau, bill referred to the Standing Senate Committee on Transport and Communications.

STUDY ON NATIONAL SECURITY

REPORT OF NATIONAL SECURITY AND DEFENCE
COMMITTEE REFERRED BACK TO COMMITTEE
TO IMPLEMENT AMENDMENT

On the Order:

Resuming debate on the motion of the Honourable Senator Kenny, seconded by the Honourable Senator Moore, that the order for the consideration of the fourth report of the Standing Senate Committee on National Security and Defence, as amended, be removed from the Order Paper and that the report be referred back to the Committee with an instruction to implement the amendment in form and substance approved by the Senate on October 17, 2006; and that the amended fourth report be tabled in the Senate no later than November 21, 2006.—(*Honourable Senator Stratton*)

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

STATE OF LITERACY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Fairbairn, P.C., calling the attention of the Senate to the State of Literacy in Canada, which will give every Senator in this Chamber the opportunity to speak out on an issue in our country that is often forgotten.—(*Honourable Senator Tkachuk*)

Hon. David Tkachuk: Honourable senators, I would like to join the debate on the state of literacy in Canada. As a former teacher, I place a great deal of value on the need for adequate literacy programs and the need to ensure that our education system produces adequate reading and writing skills.

I was once fortunate enough to chair a fundraising banquet at a Peter Gzowski golf tournament that raised the most money in Canada that year for the late Mr. Gzowski's effort to combat illiteracy. I welcome this debate, and I want to thank Senator Fairbairn for launching it.

My first experience with a reading mentor was my second grade teacher who read stories to us every day, to such effect that while I do not remember many of the stories, I do remember the reader. Ms. Newman taught phonics, and my initial reaction to this subject was a bit of distaste, but the following year, while in hospital for an extended stay, another wonderful lady brought me comic books to read. Comics were forbidden in my house, but in those days parents were forbidden to see their children in the hospital lest they upset them. Therefore, while I was in the

hospital, my parents were not allowed to visit me. My "comic angel" knew that, and passed comics to the nurses so that I was able to enjoy Superman, Batman and Robin and numerous others. My parents were none the wiser. Phonics and comics had me reading everything that I could get my hands on. This was an exploration of a world hidden from us; a world of adventure and learning.

While I have the utmost respect for people who toil in the world of teaching adults to read, I also know that reading has aided me in having a sceptical mind, and that hyperbole and scare tactics, as practiced sometimes in this debate, will not really solve the problem.

The previous government had a program and the Conservative government is changing course. Literacy is not about Liberal and Conservative; it is about people who cannot read at an adult level. Some of them, victims of learning disabilities, or products of bad teaching, and bad parenting, and some of them immigrants hurriedly brought into our country because we have lost the will to replace ourselves.

We all agree that literacy is important to Canadians. It contributes to the economy and to productivity. It improves the quality of life of our citizens and enables them to seek better paying jobs.

Liberal senator after Liberal senator has stood in their places here and bemoaned the fact that the Conservative government has cut \$17.7 million from literacy programs. Only one, by my recollection, has noted that there remains \$81 million in the budget for literacy over the next two years, plus the millions of dollars that have been allocated through other departments. None mentioned that the \$17.7 million savings will be as a result of this government's effort to refocus, targeting, amongst others, Aboriginal peoples and immigrants, two of the groups that contribute to low literacy rates in this country.

The Liberals have said that these areas are core federal responsibilities. What about community-based programs, they say? What about regional coalitions? Those who have contributed to the debate so far champion these programs and others as being essential to decreasing the number of Canadians who are literacy-deficient in Canada.

• (1520)

Senator Fairbairn implied that 42 per cent of adult Canadians lacked the literacy skills that the rest of us take for granted. Senator Chaput noted last week that 9 million Canadians are being held back by their inability to read. Senator Cook said that the \$5.8 million cut this year will have a huge and sudden impact on the thousands of local and regional literacy coalitions across Canada. She said that many of them will not be able to survive. However, none of these senators noted that the literacy rates in Canada remained unchanged over the 10 years during which these literary surveys were taken. In other words, despite all this money and these programs, there was no change.

Honourable senators, allow me to quote Statistics Canada on the results of the Adult Literacy and Life Skills survey, ALLS, which was conducted in 2003. Statistics Canada said:

The average literacy score for Canadians has not changed significantly during the nine-year period since the last major survey was conducted in 1994.

Obviously, there is a problem. A change is needed and, instead of looking at the potential for real advances, the Liberals seem stuck in the past. It is not important to the Liberals that their program, though spending money, produces no results. The Kyoto Protocol and the Gun Registry are examples of two colossal failures that seem to be in the same mode. We are in the literacy program to gain ground, to see results, and it is time for a change.

In her speech last week, Senator Callbeck referred to a study by the C. D. Howe Institute that concluded that improving overall levels of literacy skills has a significant impact on economic performance. The operative word is "improving." For nine years, we have seen no improvement in Canadian literacy rates. It is time for a change.

Writing in *Policy Options* in February 2006, Glenn Pound, a policy expert in this field, noted:

The ALLS survey has shown that, in Canada, the current policy practices have done little to improve Canadian literacy rates.

Mr. Pound is from the Metro Toronto Movement for Literacy and is the Coordinator of the Literacy Access Network. Allow me to share with you more of his words:

With so many adults having difficulty understanding the information required to function effectively in our knowledge-based society and relatively few participating in the programs that have been traditionally designed to meet this imperative, the need for new approaches and policy revision has never been more pressing.

The Liberals are criticizing cuts to programs that relatively few people participate in it seems. At least according to Mr. Pound.

I will return to the remarks made last week by Senator Chaput in which she made reference to 9 million Canadian adults whose inability to read is holding them back. Honourable senators, 9 million is a pretty large portion of Canadians who are unable to read. I have lots of time for Senator Chaput. I serve on committees with her and I know how competent she is. However, in this case she may have slightly inflated the number for the debate in order to make her point, which, I am sure, is sincere but is wrong.

I took it upon myself to look at these figures in the ALLS survey to which I referred earlier. One thing should be noted about the ALLS survey, which Statistics Canada makes clear at the outset: The results cannot be used to classify population groups as either literate or illiterate. Rather, the survey measured knowledge and skills in four domains across a range of abilities. People who participated in the survey were rated from one to five in terms of their level of ability, one being the lowest and five being the highest. The level three performance was chosen as the benchmark standard. The 9 million figure refers to those who

fell below level three in proficiency. Now I understand to what Senator Chaput was referring. However, it is surely stretching it to say that those people are unable to read. Rather, it means that they are below the benchmark standard. If everyone were perfectly proficient we would still have half the population below the norm. Anyone who has prepared a bell curve knows that.

We also need to take into account the fact that, as the survey explained, some of the respondents are older Canadians, up to age 65. As Statistics Canada points out, there is evidence of literacy proficiency declining as individuals age. This is what we call "an aging effect" and it seems that some of us here might even have it.

The study also pointed out that many of those surveyed were immigrants. Unlike in decades earlier, they are immigrants who are likely to have come from countries where neither French nor English are mainstream languages. As might be expected, immigrants whose mother tongue is neither English nor French perform at lower literacy levels than those whose mother tongue is English or French. They may be literate in their mother tongue but that is not reflected in the survey. It is also worth noting that many of those who took the test in English were francophones living outside Quebec.

Honourable senators, the survey included members of the Aboriginal population whose prose literacy performance was lower than that of the total Canadian population. A big reason for this is that the survey was designed to measure literacy in one of the official languages, and in Nunavut, for instance, a high proportion of Inuit function on a daily basis in an Aboriginal language and not in English or in French. It can be expected that they would do poorly on literacy tests in these languages. These are just some of the factors that need to be considered.

My researcher asked an official at Statistics Canada: How many people in Canada cannot read? The official did not know the answer. After all these years of studying literacy, we do not know how many people in Canada cannot read. When I say "cannot read" I mean that they are unable to pronounce words written on paper. Statistics Canada said that a current study on literacy might tell us next year how many people cannot read. I hope that we will have those results.

While some organizations might have to close down, others will take their place. This is Canada — land of innovation, vigour and enterprise. Innovation and change are good. Volunteers who are working in programs today will work in different programs tomorrow. The important thing is the ability of people to function by being literate. If the customer profits, everyone will profit.

Honourable senators have been talking about the programs and the organizations, but no one is speaking about the people. For example, in talking about cuts to health care programs, no one is talking about the patients. This government has said that because it sees a couple of problems, such as Aboriginals who are below the norm, it will spend more at Indian and Northern Affairs Canada to work on this problem, not at the Literacy Secretariat, and it will spend more at Citizenship and Immigration Canada on immigrants coming to Canada so that we can get this problem solved.

There is a little bit of targeting, with which some people might be upset. It might not be a universal solution, as the Liberals would have us believe, but as I and anyone who has checked the facts know, there has been no improvement in overall literacy over the last nine years.

• (1530)

Certainly, for recent immigrants and for a portion of the Aboriginal and francophone population, the above factors beg the question: Is this a literacy problem or a language problem? In my view, it is a language problem and not a literacy problem. I will tell you also that it is a national problem, and that is why the Conservative government has decided to take a national approach to fixing it.

Hon. Marcel Prud'homme: Honourable senators, I was active in my area, giving gifts of texts to people who knew how to read well, until a sister of mine, the last one I have, said I should ask them what it means. They had no notion at all of what they just read well. The honourable senator has inspired me by saying that it is not enough to know how to read but that it is important to understand the meaning of what one is reading.

Senator Tkachuk: I cannot comment on that. The study to which Senator Chaput and I referred ranked people on a scale of one to five in four different areas, not only reading but also understanding and mathematics. Therefore, it is a bit confusing. That is why all these numbers are being thrown around. The study looked at general proficiency. We have the standard of three out of five, and it seems that 9 million were in that or fell below it, and 9 million were above. However, the problem is not just who falls below but why they fall below. Is it because they do not understand? Perhaps they have a reading disability. Perhaps they are of a different language. All these issues were brought into the study, so hopefully our government is on the right course. We will make a general improvement in this area.

Hon. Bill Rompkey: Is it possible to ask another question?

The Hon. the Speaker: If Senator Tkachuk were to ask for an extension of his time, the house might give it to him. I have not heard Senator Tkachuk do that.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, this matter was raised last week, that we would be examining this question of extension of time. Given that we have not arrived at a conclusion yet from either of the two sides, I imagine we could, for the time being, continue with the practice that we have been using. However, I do give notice to this house that we will be examining this more closely.

Senator Tkachuk: I will take a question, if I am granted an extension.

The Hon. the Speaker: I will understand that Senator Tkachuk has asked for an extension of five minutes of time. Is the house agreeable to that?

Hon. Senators: Agreed.

Senator Rompkey: I have three questions. On the point that we do not know how many cannot read, has Senator Tkachuk considered that perhaps people do not acknowledge the fact that

they cannot read? Jacques Demers, who was a very successful coach with the Montreal Canadiens, among other professional hockey teams, could not read, but he would not tell people. That is the case with most people who cannot read.

With regard to the point that literacy rates remain the same, I am wondering if the honourable senator can draw a direct connection with the amount of money available. I should point out that the relative position of Newfoundland and Labrador with regard to the rest of Canada has not changed for 50 years, and yet equalization has been in place all that time. I do not see the Conservative government talking about cutting equalization programs.

The honourable senator suggested that perhaps money could be targeted to Aboriginals and immigrants and other people who need it most. I would suggest that there are certain provinces in the country that perhaps need it most. If class size in Newfoundland were compared to class size in Alberta, one might understand why it is more difficult to teach in some classrooms than in others. In my province, between 30 per cent and 40 per cent of the annual provincial budget is spent on education.

Given that literacy rates vary across the country, would the honourable senator agree that, in addition to targeting Aboriginals and immigrants, the government might want to look at targeting provinces that need help with literacy more than others?

Senator Tkachuk: Honourable senators, I am not a member of the government, but I am a supporter of the government and I believe that the government has taken the right steps to begin to target the problem. There has been no change, according to the study. I will stay out of the equalization debate totally. I know that was an aside.

In terms of the variance of literacy rates across the country, I do know that the study included a rating of understanding and perception, among other things. The Yukon, British Columbia, Alberta and Saskatchewan had average scores significantly higher than the national average. I was happy to hear about Saskatchewan. However, the Yukon, where most of the population is of a working age and more of the workforce is employed in professional occupations, had the highest scores in the country. Those with scores significantly below the national average were Newfoundland and Labrador, New Brunswick and Nunavut. Nunavut can be explained by the fact that its population actually communicates in a different language.

There are many other issues, but that is as far as I can go with the questions asked.

Hon. Willie Adams: Honourable senators, I am glad that Senator Tkachuk mentioned Inuit literacy. It has only been since 1950, approximately, that the Inuit have had to go to schools. We are many years behind the rest of Canada. I went to an Anglican school in the 1940s, and that is when I started to learn about the English language. At that time, the priests did not stay in the communities. They were there in the summertime, and usually early in the fall we went out on the land hunting.

I learned my syllabics through the Bible. Maybe 100 or 150 years ago, a bible with Inuit syllabics was published in England. I learned Inuktitut and the syllabics using that bible, and I still read it today. Since the early 1980s, we have been telling the Government of Canada that we have to learn our syllabics again. Now, for the most part, only the elders read syllabics. In Labrador and Inuvialuit and Northwest Territories, they read Roman letters, and in Northern Quebec and Baffin and Keewatin, we read the syllabics. We have difficulty, as you mentioned, with different dialects. Currently in Nunavut, the government is trying its best to teach language in syllabics. Most of the Inuit went to school and finished grade 12, and some are now working in the school teaching.

The Hon. the Speaker: I am afraid that Senator Tkachuk's time is up, but he might be allowed a quick answer.

Senator Tkachuk: That is fine.

• (1540)

Hon. Hugh Segal: Honourable senators, I rise to speak to the same inquiry advanced by Senator Fairbairn regarding the state of literacy in Canada. I do so, taking note of my colleague Senator Tkachuk's points of precision with respect to the numbers that are bandied about. It is important that we understand the constraints around those statistics, and his contribution in that respect is extremely helpful.

That being said, my intervention will speak to the breadth of views on this non-partisan matter within the Conservative caucus and, it is hoped, across the house while I would not have made the decision made by the government to make these cuts, I understand why they had to make that decision, and I very much respect that in the other place ministers of the Crown must make difficult and tough decisions. However, I would hope that we might use portions of our debate in this chamber to make constructive suggestions that might be taken up by the government with respect to the budget that is coming in the spring, and with respect to other initiatives that might be taken to strengthen and deepen the commitment we all share to literacy in this country.

Many of us will find it hard to relate directly to the challenges of being personally unable to fill out an employment application form or being unable to read the headlines in the morning newspapers. Some of us have witnessed, perhaps, a parent or a grandparent struggle with reading or writing if English or French were not their first language. Frustration experienced by those now unable to decipher the letters and words, or unable to provide written information is palpable. According to Statistics Canada, too many Canadians of working age are challenged with low literacy and the statistics have not changed, although I would point out — and it is one of the rules of social policy and economic statistics — that even though the statistic may not change, individuals may go into and out of the category over time and the statistic may not change because larger rounds of immigration or different demographics affect the percentage. Literacy programs do help move people out of the category of "illiterate" into categories where they can make a much more constructive contribution to the process overall. I think Senator Tkachuk's reference in that respect is most helpful to us all in that regard.

This is now a technological information-intense society. Even well-educated seniors — I am not quite yet a senior but I have this struggle myself — are finding it hard to navigate their way through passwords and prompts in order to pay bills. Can anyone imagine how insurmountable these tasks might be for an individual whose skills are at a minimum? Putting oneself in the situation does not even come close to the frustration and the shame associated with the inability to read or write in a society that requires this basic skill. I agree with Senator Rompkey that many who cannot read are not prepared to admit as much for reasons of pride and shame, but I also refuse to accept that, in a country as wealthy as Canada, any one of our citizens should be left behind in such a position.

At the beginning of September, it was a great privilege to be invited to present certificates to the graduates of the Kingston literacy program. The pride of those receiving this acknowledgement was obvious. I was stunned to learn that more than 44,000 people in the greater Kingston area have genuine difficulty in reading. This is a community that boasts two universities and a community college. After the ceremony, one graduate pulled me aside and explained how this program had changed her life. It had not altered her life or enhanced her life; it had fundamentally changed it. Without basic reading and writing skills, this graduate had not been able to hold a job or to read to her children or to keep up with world events or order from a menu. The attainment of literacy had truly changed that person's life, and that graduate had enrolled in a community college professional program as a result. Above all, literacy replaced career despair with compelling hope. Hope is something we can never take for granted.

The term "literacy" is actually not used in reference to adult education here in Canada but it is in Sweden. Adult education is an inclusive concept in that country that covers all learning opportunities. It begins with adult basic education, where necessary, and extends up to and including post-secondary education. Remember: All education in Sweden is free, and study loans and grants are available to all adult participants. In Sweden, universal access is available to all adults, with priority given to those with the least education — a policy contrary to what is now practised in Canada. In Canada, adults typically return to school to improve their employment prospects or for self-improvement. Conversely, in Sweden adults are entitled to education based on a policy that is integral to the betterment of society. There are no fees involved and child care is provided. In addition, the voluntary organizations offering adult education to those outside of major centres all receive state funding to support their programs.

In Canada, there are often long waiting lists for adults who require or wish to improve literacy. Let me put the broad choice in stark terms. If the cost of a universal literacy program that really works means a slightly longer wait time for hip replacement surgery, I would choose literacy in the interests of this country. I would reject the notion that the vast majority of Canadians, including those awaiting surgery, would begrudge a day or two longer wait if hope and opportunity for tens of thousands ensued as a result.

I am more than pleased to support Senator Fairbairn in her inquiry, and I agree that we must all do what we can to provide the opportunities for any and all Canadians needing and wanting

to improve their levels of learning. The recent federal funding cuts indicate a refocusing and a change in priorities. I think the jury is out as to how that change in priorities produces net benefits over time; I hope it will.

I believe that literacy should be treated as a joint federal-provincial-private sector undertaking. Let me suggest to colleagues that the real way ahead must be through a federal-provincial summit on the state of literacy in Canada that invites territorial, labour, private sector and First Nations participation. This summit would bring together participants and providers who deal with the issue on an ongoing basis and are experts in the area, knowing who, where and why the problem exists. I would stress participation by the labour and private sector as well. All participants would be invited to propose their own strategy for more rapid progress.

The solution to this situation will not come about by way of infighting over who spends the most but, rather, how governments at all levels, with the inclusion of the private and voluntary sectors, produce the desired outcome. A grand strategy on literacy would emerge with checkpoints and annual measurements of progress made. It would be the ultimate outreach, and the essence of inclusion. It would say that the Canadian dream is still open to all.

Contrary to the beliefs of some, governments are not necessarily expert in all areas of life. I would urge the federal government to act as a facilitating organization in such a summit by unifying all the participants who have a stake in improving adult literacy in Canada, assisting the corporate sector through tax incentives and providing core funding to the voluntary sector. While the federal government might take the lead on set-up and capital costs incurred for literacy programs, the provincial governments and the private sector would take the lead on ongoing operational costs.

Where programs are English as a second language for new immigrants to Canada, or where the programs are for literacy and adult learning programs, these are clearly areas where the federal government must show leadership and investment. All levels of government, the private sector and the voluntary sector, rely on human capital. Dedicated, capable, reliable people are the foundation of any successful business, corporation, enterprise, government department, community or household. People with ambition and the desire to succeed and advance should never be held back because programs and services are not in place. A joint venture such as this summit would reach out to those wanting and needing literacy programs. Funding would be a shared exercise; the experts would be the program delivery people at the local level. I hope that the Government of Canada will give serious consideration to this proposal as it prepares its own plans for the coming session and the next budget.

I am pleased, therefore, to support Senator Fairbairn's inquiry. I urge other senators to do the same and ask that we reflect on the creation of a joint summit on the issue of literacy in Canada to galvanize a national effort that is greater and more important than any one government.

On motion of Senator Fraser, debate adjourned.

• (1550)

[Translation]

BANKING, TRADE AND COMMERCE

COMMITTEE AUTHORIZED TO EXTEND DATE OF FINAL REPORT ON STUDY OF ISSUES DEALING WITH INTERPROVINCIAL BARRIERS TO TRADE

On the Order:

Resuming debate on the motion of the Honourable Senator Fraser, seconded by the Honourable Senator Cook:

That, notwithstanding the Order of the Senate adopted on Tuesday, May 2, 2006, the Standing Senate Committee on Banking, Trade and Commerce, which was authorized to examine and report on issues dealing with interprovincial barriers to trade, be empowered to extend the date of presenting its final report from October 31, 2006 to June 29, 2007; and

That the Committee retain until July 31, 2007 all powers necessary to publicize its findings.—(Honourable Senator Prud'homme, P.C.)

Hon. Marcel Prud'homme: Honourable senators, this motion stands in my name. I listened to what Senator Fraser was trying to tell us and what she did not say, as well as Senator Cook. I do not see why I would stand this motion, unless you would like to take the adjournment.

Senator Fraser: I believe we are ready for the question.

Senator Prud'homme: You raised objections. I wanted to be sympathetic to your cause.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

THE SENATE

MOTION TO URGE GOVERNMENT TO RECONSIDER DECISION TO DISCONTINUE THE COURT CHALLENGES PROGRAM—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Joyal, P.C., seconded by the Honourable Senator Robichaud, P.C.:

That the Senate urge the Government of Canada to reconsider its decision to discontinue the Court Challenges Program which has enabled citizens to seek redress and assert their rights guaranteed under the Constitution and particularly the Charter of Rights and Freedoms;

That the Standing Senate Committee on Official Languages be authorized to study and report on the benefits and results that have been achieved through the Court Challenges Program;

That the Committee submit its final report no later than December 22, 2006; and

That a message be sent to the House of Commons informing it that the Senate regrets the Government's decision to terminate the Court Challenges Program and urges it to take action to persuade the Government to reconsider that decision.—(*Honourable Senator Comeau*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I need a little more time to prepare my comments. I have had the chance to review the motion. If you recall my initial comments on this motion, there had been no discussions with the committee members about introducing this motion.

At that time, I had expressed my concerns that it would have been appropriate to discuss the motion with the committee members. That said, the motion was introduced, and it will be up to the committee to examine it.

We have two motions. The first calls for a study of the Court Challenges Program, which will be cancelled as a result of the recent review, and an examination of the benefits of the program so that the committee can report to the House. However, the second part of the motion says that we are opposed to the cuts to the Court Challenges Program and that we want to send a message to that effect to the House of Commons.

Ultimately, we are drawing conclusions in both motions. First, we are studying the benefits, and second, at the end of that same motion, we are drawing conclusions. I wonder whether it is worthwhile having the committee examine this program if we are drawing conclusions even before the committee has had a chance to conduct a study.

The Court Challenges Program — since the Senate is being asked to draw conclusions right away — addresses issues raised by minority communities, for whom I have a great deal of affection. All sorts of other groups had access to this program. We should have the opportunity to study it.

When studying this program, we might want to look at its methodology and the responsibilities of the group that was in charge of the program. I am referring to "accountability", a cornerstone of the current government. Every program should have ways of holding people who use federal government funds accountable. This would be another area to look at if this motion is referred to committee.

If we reach this conclusion, the matter of studying the benefits of the Court Challenges Program is, to all intents and purposes, already decided. That being said, I would like to think about this a little more, and I would like to adjourn the motion in my name.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, does Senator Comeau want to use the rest of his time another day?

Senator Comeau: Yes.

Senator Fraser: May I ask when he will do so? This motion has been on the Orders of the Day for some time and the committee has been given a deadline. The more we delay the motion, the more we delay the vote on the motion and the more difficult we make things for the committee. Could we have an indication of when?

Senator Comeau: Yes, well, you say that the motion has been on the Orders of the Day for a long time. It has been exactly three sitting days, which is not so long.

Senator Prud'homme: That is not so long.

Senator Comeau: It is not so long. Even if every senator on our side were available to work on what is being asked, we would still have to find the time to do it and that is just not possible. Yes, there is a deadline. In consultation with members of the committee, it could have been decided that December 22 was not a practical date. The consultation with the committee members may be the problem. The committee already has a pile of studies to conduct. It is in the process of considering the issue of the Olympic Games in British Columbia, the Official Languages Commissioner, a stack of reports that the committee still has not reviewed and a number of other things. Perhaps December 22 was not practical.

Given that the conclusion presented in the motion — that the Senate will join the House of Commons in expressing its regrets — is already there, perhaps we will not study the motion at all.

This motion was introduced three days ago. I have not misused our time in any way. I will try to provide an answer as soon as possible.

Senator Fraser: One small correction. This motion has been before this house for more than three days. Senator Joyal discussed this motion on October 3, which was three weeks ago.

Committee members supported the motion. The committee chair expressed no hesitation with respect to studying this. As for what you deem to be contradictory, the Senate will decide that. I see no problem with the motion as written.

I simply wanted to be sure, and to assure this House that we are not delaying this motion too much. May we look forward to you finishing your remarks by the end of the week?

Hon. Marcel Prud'homme: Point of order. This is the first time since I have been in the Senate that an honourable senator has insisted, pushed, forced the issue and, dare I say, demanded like this. This is not the custom. Senator Comeau is not ready to give an answer.

He gave his reasons. If Senator Fraser, who is very knowledgeable about such issues, wishes to speak, I am sure Senator Comeau will give her the floor. She need only adjourn the debate in Senator Comeau's name. That is the custom. If we start questioning every one of the motions that have been on the Order Paper for so many years or months, there are all sorts of reasons. There are absences, there is extra work. I do not understand such insistence. Clearly, it must be political.

• (1600)

I fail to see why Senator Comeau should be pressed to promise to speak on the motion within the next three days. Each senator gets to rise and say that they are not prepared to speak but wish to do so later, or to say nothing. I have never seen anything like this. Perhaps someone could enlighten me.

The Hon. the Speaker: The situation is this: there are seven minutes of Senator Comeau's speaking time remaining. If the Chair heard him correctly, he indicated that he wished to move adjournment of the debate.

Hon. Eymard G. Corbin: Honourable senators, may I put a question to Senator Comeau?

The Hon. the Speaker: Senator Comeau, will you entertain a question from Senator Corbin?

Senator Comeau: I have five minutes left; that is not a concern. But I would hate to waste these five minutes, because eight have already been wasted.

The Hon. the Speaker: Honourable senators, if the honourable senator moved the adjournment of the debate, then this motion cannot be debated.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

On motion of Senator Comeau, debate adjourned.

[English]

AGREEMENTS BETWEEN FEDERAL GOVERNMENT AND PROVINCES AND TERRITORIES ON CHILD CARE

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Trenholme Counsell calling the attention of the Senate to concerns regarding the Agreements in Principle signed by the Government of Canada and the Provincial governments between April 29, 2005 and November 25, 2005 entitled "*Moving Forward on Early Learning and Child Care*", as well as the funding agreements with Ontario, Manitoba and Québec, and the Agreements in Principle prepared for the Yukon, the North West Territories and Nunavut.—(*Honourable Senator Fraser*)

Hon. Catherine S. Callbeck: Honourable senators, I am pleased to join in the debate today on Senator Trenholme Counsell's inquiry on the child care and early learning agreements negotiated last year by the previous Liberal government. As honourable senators know, these agreements have been cancelled by the minority Conservative government.

First, I wish to commend Senator Trenholme Counsell for her leadership on this ongoing issue. Children are indeed this

country's greatest resource, and I applaud her advocacy and her commitment to providing the youngest Canadians with the very best possible start in life.

In my home province of Prince Edward Island, the former Social Development Minister, Ken Dryden, and the Prince Edward Island Minister of Social Services and Seniors, Chester Gillan, signed an early learning and child care agreement in principle on November 24, 2005. The agreement represented a federal investment of \$20.4 million over five years to create additional high-quality and affordable early learning and child care spaces, as well as to enhance existing programs. In the first year of the agreement, 2005-06, the province was to receive \$3 million. The agreement in principle also provided for \$2.8 million in the second year and \$4.9 million annually for the three remaining years.

The agreement set out a long-term vision for child care and early learning in my province. It outlined the principles and the goals that would guide improvements to regulated early learning and child care. The agreement also outlined the objectives that the Government of Prince Edward Island would pursue over the five-year term of the agreement and how the provincial government would be accountable to Islanders.

My province was to develop and release an action plan on early learning and child care by January 31, 2006.

This agreement in principle provided funding for a number of much-needed system-wide investments: training, quality assurance, retention/recruitment, wage enhancements, fee subsidies, and operating/capital funding. Indeed, the bilateral agreements signed with each province were meant to ensure that they would have the flexibility to determine the most effective way to deliver programs in their own jurisdictions.

The goal was quality, universal and accessible child care that provided developmental programming.

Minister Chester Gillan said on announcement day, that is, the day the agreement in principle was signed, in part, the following:

Today's announcement is good news for children and their families as well as for future generations of Island children. In anticipation of this agreement, Prince Edward Island has already begun the development of an implementation plan that will see child care subsidy rates enhanced, increase direct funding to operators, increase infant incentive grants and increase the capacity of early learning centres to include children with unique needs.

However, this implementation plan as outlined by the minister will not happen because Prime Minister Stephen Harper and the federal government have refused to honour the original early learning and child care agreements. In doing so, the Conservative government has deprived the children of Canada of the best possible start in life.

Instead, the Conservative government has replaced the child care and early learning agreements with its own universal child care plan — which, as we all know, sees \$100 a month go directly to parents for each child under the age of six.

While I am pleased to see more money in the hands of Islanders and other Canadian parents, the plan does have its problems. The payment itself is taxable in a way that may leave those who need it most with less. In April 2006, the Caledon Institute of Social Policy released a study entitled, "The Incredible Shrinking \$1,200 Child Care Allowance: How To Fix It." In this study, the institute calculated the net benefits for a variety of different families in Ontario, and found the following: A family in the highest income tax bracket with one parent staying at home may get to keep \$1,076 of the \$1,200 a year. However, a dual-income family with a combined income of just \$30,000 may keep only \$199.

How is this possible? The report explains, in part:

The answer is that they will be hit by a double whammy: Not only will they pay more income taxes, like other families, but they also will be hit hardest by reductions in income-tested benefits that are targeted to them, such as the Canada Child Tax Benefit, GST credit and provincial/territorial refundable tax credits and child benefits.

We all know that our economy is increasingly being driven by knowledge and continuing skills development. It is imperative that we give our children and youth the best grounding so that they can make the most of their educations and of their lives. In this regard, early learning and child care are vital for the future success of this country. A number of studies in recent years have highlighted the advantages that early learning can provide children.

For example, in 1999, the Ontario Children's Secretariat produced an early years study, co-chaired by the honourable Margaret Norrie McCain and J. Fraser Mustard. The final report was entitled "Reversing the Real Brain Drain." In its preface, under the section "Why Ontario Should Act Now," the report reads:

We know now that development of the brain in the early years of life, particularly the first three years, sets the base of competence and coping skills for the later stages of life. Improving the prospects for the next generation of Ontarians — with respect to school performance, health and quality of life, and success in the labour market — will improve the future for us all.

While this report dealt specifically with children in Ontario, the same can be said for children anywhere. There are indeed long-term benefits from improved social development to enhancing later educational opportunities. Quality child care and early learning helps give Canadian children a better foundation for the future.

• (1610)

Honourable senators, it is not too late for the Conservative government to reverse its decision. I urge the government to do so and to give Canadian children the very best chance at life.

On motion of Senator Fraser, debate adjourned.

FOREIGN AFFAIRS

COMMITTEE AUTHORIZED TO STUDY EVACUATION OF CANADIAN CITIZENS FROM LEBANON

Hon. Hugh Segal, pursuant to notice of September 28, 2006, moved:

That the Senate Standing Committee on Foreign Affairs be authorized to examine and report on the evacuation of Canadian citizens from Lebanon in July 2006; and

That the Committee submit its final report no later than March 30, 2007, and that the Committee retain all powers necessary to publicize its findings until April 30, 2007.

He said: Honourable senators, this past summer, as a result of sudden and unexpected circumstances, it was necessary for the Government of Canada to evacuate thousands of our citizens and permanent residents from Lebanon. The efforts of DFAIT staff, both within the region and here in Canada, the coordination required with the Department of National Defence and the extraordinary speed with which the evacuation was necessary is, in the committee's view, worth reviewing and assessing.

For this reason, the Standing Senate Committee on Foreign Affairs wishes to conduct an inquiry into this evacuation. The purpose of this inquiry would be to learn from our experiences. While much was made at the time with respect to perceived flaws in the operation, we must all admit that, in an exercise of this scale and the subsequent return to Canada of so many of our citizens so quickly, much also appears to have been done properly by our officials.

In a world as volatile as ours is today, I ask that colleagues approve this motion so that we might examine all that transpired, in order to help prepare the government for any other such eventuality. Experience is the best teacher. While we have the opportunity to question those who are on the front lines, either here or in the Middle East, I suggest that we take advantage of this opportunity. Heaven forbid the situation ever prevents itself again, but should we be faced with such an exercise in the future, we would be, I think, remorse in our duties as a committee had we not taken the opportunity to learn from the first experience and assess, in the most non-partisan and objective of ways, the best practices and areas of improvement that may emerge from that review.

Let me assure honourable senators that we plan no travel. We will have hearings here in Ottawa and we may use satellite teleconferencing to talk to officials in the Middle East.

The Hon. the Speaker: Further debate?

Hon. Marcel Prud'homme: Honourable senators, I did not know that we would proceed with this item today. I will not delay it, because I know how sensitive, bright, intelligent and articulate the chairman is.

I feel more at ease, but I made my views known to the chairman. I am extremely concerned about this study. I say that, because I have read everything that has been said since the end of this sad event in Lebanon, where everybody started to talk about another subject, namely, dual citizenship. As brilliant and as

tough as my colleague is, I think it will be difficult for him to keep the debate within the boundaries of what he would like us to study.

[Translation]

I am switching back to my mother tongue. In fact, I have attended several functions in the past few days and I am a little exhausted.

There is a high risk, I would suggest, that people who do not have the same good faith as Senator Segal could take the opportunity to engage in a debate within the broader debate on dual citizenship. This is something I have been agonizing over for 40 years. Let us imagine, for instance, that Canadian nationalists could become members of Parliament in foreign countries.

[English]

We have enough division in this country, without having outside political parties coming into Canada to say, "Elect me to sit in someone else's country — dual citizenship."

Honourable senators know that Senator Segal knows how to draft a motion precisely. I hope my long-time experience will be useful to him. I will not be here next week. However, the honourable senator knows that I will attend committee meetings, to try to keep it within the boundaries the honourable senator has outlined. It is not a partisan issue but a sensitive one that touches many Canadians.

There are forces in this country that are not as elegant as some of us here would like to be. Those forces could use this study for other purposes, with an intention that is not as clear or as pure as the one we would like to advance. I have read some of the material, and I did not like it. As honourable senators know, I represented a totally Canadian français — I do not use the word "Québécois" — district when I started. Over the years, I began to represent fewer and fewer Canadian français and Quebec

nationalists and more and more new Canadians. These new Canadians have alerted me to that danger of debate on dual citizenship.

In a private communication, I have made my views known to the Honourable Senator Segal that we will have to be extremely sensitive when we study this motion.

With the firm hand of the honourable senator in the chair, I trust that he will not go outside what he wants to study. However, the committee chair should be prepared to have people asking to be witnesses and, thereby, to extend the mandate of the committee. We will let the universe unfold, as an ex-Prime Minister once said. It is reluctantly that I did not adjourn the debate, in order to be gracious to the chair.

I have nothing more to add at this time. If I had weeks of study, I would come to the same conclusion, which is to say that this motion will have to be dealt with great care. I will not ask Senator Segal if he will deal with the question with great care because I know the answer will be yes. I know the members of the committee, including Senator Di Nino and others in the Liberal Party, who have the ability to understand the study that they want to start.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

The Senate adjourned until Wednesday, October 25, 2006, at 1:30 p.m.

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Wednesday, October 25, 2006

THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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THE SENATE

Wednesday, October 25, 2006

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

In a final word from Craig:

Dare to dream. Turn adversity into opportunity but, most important, have fun in life — it is a quick trip.

SENATORS' STATEMENTS

THE LATE CRAIG DOBBIN, O.C.

Hon. Janis G. Johnson: Honourable senators, I rise today to pay tribute to Craig Dobbin, one of Canada's most successful entrepreneurs, who passed away October 7, 2006, at the age of 71, in his beloved Beachy Cove home in St. John's, Newfoundland.

Craig Dobbin built the world's largest helicopter company, following a business career in other enterprises. The Canadian Helicopter Company, CHC, began in St. John's with one helicopter in 1977. Today, CHC operates 252 helicopters in 35 countries and has annual revenues exceeding \$1 billion — a remarkable achievement. In June 2007, Mr. Dobbin was to be inducted into Canada's Aviation Hall of Fame for his lifetime of work in the aviation industry.

The story of how CHC began is legendary. Craig Dobbin did not set out to create an aviation empire. He wanted to go salmon fishing, but getting to the best rivers presented a problem. Thus, he bought a helicopter, which he called Sealand. However, because it cost a significant amount to operate the helicopter, Mr. Dobbin either had to make it viable or sell it. He decided to go forward, landed a contract and bought more helicopters. The rest is history.

Craig's business philosophy is best described in a speech he gave to graduating students, when he said: "Risk-takers don't think they are taking any risks at all. If you are an entrepreneur in the true sense of the word, you are not taking any risks, you are simply executing a plan of which you are positive of the results."

Anyone who knew Craig and loved him, as I did, remembers a man of enormous passion, vision and love of life. He was a "fearless buccaneer," as his family called him, who provided opportunity, support and inspiration to thousands through his business, his philanthropy and his larger than life magnanimous character. He was guided by integrity, honesty and loyalty.

Craig was given numerous awards but considered his induction as an Officer of the Order of Canada to be his greatest honour. He was a fiercely proud Newfoundlander and Labradorian and an equally proud Canadian who kept his company in Canada.

• (1335)

Above all, he was devoted to his family and his friends, and cared deeply that each was doing well in life. He will be very much missed. My condolences and deepest sympathy to his beloved wife Elaine, his children, grandchildren and other family members.

LEARNING DISABILITIES AWARENESS MONTH

Hon. Marilyn Trenholme Counsell: Honourable senators, it is a great privilege for me to rise and speak to you as patron of the Learning Disabilities Association of New Brunswick.

October is Learning Disabilities Awareness Month in Canada, a month to share with our fellow Canadians the successes, hopes and challenges that persons with learning disabilities experience every day. It is also a time to reflect upon the consequences that occur in the life of persons with learning disabilities, especially when these learning disabilities are not addressed appropriately and in a timely manner.

Children and adults with learning disabilities represent an estimated 10 per cent of our population. We are encouraged by the research that points to the benefits of early intervention, and even methods that are effective in preventing some of the milder forms of learning disabilities. While individuals in growing numbers are receiving more and better services, there remain too many who do not have the benefit of a diagnosis, and thereby access to services that will enable them to reach their full potential.

The theme for this year's campaign is "Learning Disabilities and Mental Health: Is There an Increased Risk?" It is important to note that while mental health issues do not cause learning disabilities, they are a consequence for far too many persons with learning disabilities — the result of persistent academic frustrations and repeated failures in other domains of everyday life.

I am proud to report that the Learning Disabilities Association of New Brunswick hosted a conference last May in Fredericton. Over 150 parents, young adults with learning disabilities, teachers and other professionals attended this conference to become better informed about teaching, parenting and coping strategies for children and adults with learning disabilities and attention disorders — the two are often combined. I wish to express deep appreciation to Senator Michael Meighen, Ms. Kelly Meighen and the Meighen Foundation for their generosity, as well as to the many others who supported this event.

Since persons with learning disabilities have at least average, if not above average capabilities, we feel a sense of urgency to correct the difficulties in reading, math and writing. However, we must recognize that this lifelong condition also may cause difficulties in other spheres of life, such as social relations and self-esteem; 35 per cent of students with learning disabilities become high school dropouts and far too many are destined for addictions, depression and crime.

Yet, despite these struggles, the good news is that many succeed and live a personally satisfying and rewarding life. How does this happen? What can we do to help children with learning disabilities grow up from childhood into adulthood with the individual characteristics and life experiences that lead to successful life outcomes? You and I — all of us — can advocate in our communities. We can encourage parents to seek help when their child is not talking by two years of age. Most children are using about 50 words by the time they are 18 months. A good way to pick up these problems is by playing rhyming games, with which these individuals have so much difficulty.

Each person with a learning disability must have a diagnosis. Knowing their strengths and weaknesses is crucial in order for children and adults to become empowered to advocate for themselves. Remember: Many of these people have very high IQs. That is the challenge of this month, of every month. The will, the funding and the effort must be greater year by year. Thousands of children are waiting.

If I have a moment more, I would like to quote from Sir Jackie Stewart, a former race car driver, who said:

For a dyslexic who does not yet know they are dyslexic, life is like a big high wall you never think you will be able to climb or get over. The moment you understand there is something called dyslexia, and there are ways of getting around the problem, the whole world opens up.

[Translation]

BUILDING WORLD PEACE

ROLE OF RELIGIONS AND HUMAN RIGHTS— INTERNATIONAL CONFERENCE

Hon. Claudette Tardif: Honourable senators, I am pleased to present a brief report on the international conference entitled *Building World Peace: The Role of Religions and Human Rights*, which was organized by the John Humphrey Centre for Peace and Human Rights and held in Edmonton from October 20 to 22.

I had the privilege to co-chair this conference with our former colleague, the Honourable Doug Roche. Senators Mobina Jaffer and Roméo Dallaire attended the conference and gave excellent presentations. I would like to read a few excerpts from the closing statement issued by the John Humphrey Centre at the conclusion of the conference.

The religions of the world must set a very good example by joining together to reject violence and by defending the universal values of respect for the life, dignity and human rights of all individuals, as set out in the Universal Declaration of Human Rights.

• (1340)

At this pivotal moment in human history, when differences threaten not only to divide but in fact to destroy all life on the planet, religions must unite beyond borders to establish non-violence as a way of life.

Lastly, religions must affirm that violence must never be practised in God's name, and they must denounce all forms of terrorism and extremism and all attempts to use religion to justify them. Every individual in society shares this responsibility.

[English]

In the words of Federico Mayor, former Director General of UNESCO and Co-chairman of the Alliance of Civilizations Commission, "now we must change." With the existence of 27,000 nuclear weapons as but one example of the warring posture of nations, religions must work to transform the world from a culture of war to a culture of peace. Religions must change their present complacent attitude and enter the modern world in a humble and cooperative mode, reaching out to help heal a suffering humanity.

The conference recognized that respectful dialogue among nations is a prerequisite to the healing qualities of reconciliation and forgiveness. This dialogue should take place not only internationally but also locally. It must occur not only within religions, but also among religions and, further, between religions and secular society. To this end, the conference examined ways to improve peace education, media relations and inter-faith programs. Human rights learning must be the foundation of this dialogue. Telling our own stories to one another is important. Increased attention must be paid to the needs of women and children who, overwhelmingly, are the victims of war, and economic and social discrimination.

[Translation]

We must do all this and more to achieve peace in the 21st century. Religions must convey the values of peace at the risk of being shunted aside in these turbulent times.

[Later]

[English]

Hon. Roméo Antonius Dallaire: Honourable senators, last weekend in Edmonton, a conference was held on building world peace, the role of religions and human rights. This conference housed 400 delegates, both from Canada and internationally.

I raise the subject here, not only because of its content, but also because of the participation of Senate colleagues as the backdrop of this incredible gathering that discussed such a significant component of the international realm of insecurity that exists today.

Senator Roche, a retired colleague, chairman of an international network of organizations specializing in nuclear disarmament issues, chaired the conference. His co-chair was Senator Tardif. Together, they launched incredible initiatives. They were supported by Senator Jaffer, who also spoke and was a participant. Your humble servant was invited as well and had an opportunity to participate.

I should like to speak about religions and peace. In Assisi, on January 24, 2002, after 9/11, Pope John Paul II met with the five heads of the great religions of this time. Together, after two days of discussions, they concluded in their statement that no religion

shall call for its members to kill in the name of its religion. That meeting stands alone as the highest level effort, the only one, to stop this catastrophic failure from happening in the world today, where religion is being involved in such terrible destruction.

Honourable senators, initiatives like the one begun by Senators Roche and Tardif are opening up dialogue where religions can be instruments of reconciliation instead of sources of friction in the world.

COMPUTERS FOR SCHOOLS

Hon. Lillian Eva Dyck: Honourable senators, last week I had the pleasure of hosting a reception for MPs and senators to meet the regional partners involved in the Computers for Schools program. This program was co-founded in 1993 by Industry Canada and the Telecom Pioneers, the largest industry-related volunteer organization in the world.

Computers for Schools is a national, federal government-led program that operates in cooperation with the provinces and territories and the private and volunteer sectors. This program collects, repairs and refurbishes surplus computers donated by government and private sector sources. The refurbished computers are distributed to schools, libraries and not-for-profit learning organizations throughout Canada.

CFS is a major provider of computers to schools. One in every four school-based computers comes from Computers for Schools. Computers for Schools leverages \$4 for every \$1 invested by the federal government. Let me repeat that: It leverages \$4 for every federal dollar.

Computers for Schools is helping to bridge the gap in rural, northern and remote communities. Close to 40 per cent of its computers are allocated to rural communities. It is an important and effective solution for the re-use and recycling of electronic equipment. It has diverted over 7,000 tonnes of potentially harmful electronic waste from Canadian landfills. Without Computers for Schools, the Canadian government would be spending millions of dollars to ethically dispose of its electronic waste. CFS provides more than 110,000 computers each year to its clients and has produced more than 750,000 computers since its inception in 1993. Approximately 1,000 youth are provided with hands-on work experience in Computers for Schools workshops each year. This work experience in CFS workshops, over 200,000 hours annually, helps young Canadians succeed in their chosen careers in information technology.

• (1345)

Computers for Schools is a strong supporter of social integration for disadvantaged youth. Eight CFS workshops have been dedicated to the training of Aboriginal youth in computer refurbishing and job skills. Two are integrated into high schools, and two are located within federal penitentiaries, as part of rehabilitation programs for inmates. The Computers for Schools program has won many national and international awards.

Honourable senators, Computers for Schools is a world leader in computer refurbishing programs. I trust, therefore, that honourable senators will agree with me that the Computers for

Schools program should continue to be funded, as not only is it a financially wise investment, it is a much needed investment in the future employment and computer literacy of our youth.

THE SENATE

PRESENTATION OF NEW PAGES

The Hon. the Speaker: Honourable senators, before proceeding to the next item, I am pleased to introduce three new Senate pages who will be working with us this year.

[Translation]

First, I would like to introduce Marc-André Roy from Tracadie-Sheila, New Brunswick. Last year, in addition to being an active member of the student alumni committee at his school, Marc-André published his second novel for young people, entitled *Les catacombes de Karnak*. He is in his first year of the joint bachelor's program in history and political science at the University of Ottawa.

[English]

Honourable senators, I introduce Patrick Weeks, who hails from the fishing village of Northport, Prince Edward Island. Patrick completed a three-month Prince Edward Island-Quebec student exchange, where he honed his French-language skills and developed his interest in Québécois culture. Patrick is currently enrolled in his first year of the commerce honours program at the University of Ottawa.

• (1350)

Finally, we have with us Aline Fontaine, an Ojibway from the Sagkeeng First Nation in Manitoba. Aline lists her work and involvement with Aboriginal children and youth with the Winnipeg Boys and Girls Clubs as one of her great experiences. Aline is currently in her second year at Carleton University, studying Human Rights and Political Science.

ROUTINE PROCEEDINGS

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

ANNUAL SUMMIT OF PACIFIC NORTHWEST ECONOMIC REGION, JULY 16-20, 2006— REPORT TABLED

Hon. Jerahmiel S. Grafstein: Honourable senators, pursuant to rule 23(6), I have the honour to table in the Senate, in both official languages, the report of the Canadian delegation to the Canada-United States Inter-Parliamentary Group respecting its participation at the Pacific Northwest Economic Region annual summit for 2006, held in Edmonton, Alberta, from July 16 to 20, 2006.

SOUTHERN LEGISLATIVE CONFERENCE
OF THE COUNCIL OF STATE GOVERNMENTS:
SIXTIETH ANNUAL MEETING,
JULY 29-AUGUST 2, 2006—REPORT TABLED

Hon. Jeremiah S. Grafstein: Honourable senators, pursuant to rule 23(6), I have the honour to table in the Senate, in both official languages, the report of the Canadian delegation to the Canada-United States Inter-Parliamentary Group respecting its participation at the Southern Legislative Conference of the Council of State Governments, sixtieth annual meeting, held in Louisville, Kentucky, from July 29 to August 2, 2006.

COMMONWEALTH PARLIAMENTARY ASSOCIATION

CPA-U.K. SEMINAR, MAY 7-19, 2006—REPORT TABLED

Hon. Marilyn Trenholme Counsell: Honourable senators, pursuant to rule 23(6), I have the honour to table, in both official languages, the report of the Canadian delegation of the Commonwealth Parliamentary Association to the CPA-U.K. Branch seminar on "Governance and Culture of the United Kingdom," held in the United Kingdom and Belgium, from May 7 to 19, 2006.

QUESTION PERIOD

PUBLIC WORKS AND GOVERNMENT SERVICES

NAMING OF HOWARD CHARLES GREEN BUILDING

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, my question is to the Minister of Public Works and Government Services. It is with regard to a matter of which he will be aware, namely the potential naming of a federal building at 401 Burrard Street, Vancouver, after Howard Green. This is a man who, while he may have had an otherwise exemplary record and career, is not someone who should be recognized in this way according to Japanese Canadians, in particular because of his quoted statement on July 25, 1939, that "Orientals should be excluded from Canada," and on May 17, 1945, that "the Japs must never be allowed to return to British Columbia." This matter has drawn attention from the National Association of Japanese Canadians through its president, Mr. Henry Kochima, who has written to the minister's office, and as well the Japanese Canadian Citizens Association of Greater Vancouver, as represented by a spokeswoman, Mary Kitagawa.

Can the minister confirm that he has responded to the requests for information from these citizens, and indicate whether a decision has been made not to name the building as possibly planned at an earlier time?

• (1355)

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, as a result of these allegations, I have asked the committee, which was struck in 2004 and came

up with this suggestion, I believe, in early 2005, to reconsider and re-evaluate all the suggestions, because there were several, and to come back to me with other recommendations.

NAMING OF PIERRE ELLIOTT TRUDEAU AIRPORT

Hon. Hugh Segal: May I ask the minister, when he is looking into that, if he is prepared to share with the house the background papers and studies as they relate to the naming of Pierre Elliott Trudeau International Airport in Montreal, specifically with respect to that Prime Minister's association with the arrest of 400 innocent Quebecers during the War Measures Act, not one of whom was ever charged — an absolute violation of their civil liberties? If we are going down this route with Senator Hays, let us have a full discussion.

Senator LeBreton: Including his anti-Semitic remarks.

Hon. Michael Fortier (Minister of Public Works and Government Services): I do not know that it is for me to say that I can make those documents available. However, if they are to be made available, I shall be happy to make them available to Senator Segal as well as other senators.

[Translation]

INDUSTRY PUBLIC WORKS AND GOVERNMENT SERVICES

QUEBEC—ASSISTANCE TO AEROSPACE SECTOR POSITION OF TECHNOLOGY PARTNERSHIPS CANADA

Hon. Francis Fox: Honourable senators, my question is for the Minister of Public Works and Government Services and minister responsible for the Montreal region.

I would like to begin by saying it is shameful for an honourable senator to cast such aspersions on the legacy of Prime Minister Trudeau, who repatriated Canada's Constitution and was responsible for including the Charter of Rights and Freedoms, which protects all minorities.

Now I would like to ask the minister, in his capacity as minister responsible for the Montreal region, a question. On September 28, I asked him about government programs related to a study of the aerospace industry in Montreal. My question today is related to numerous mentions in yesterday's *La Presse* of Bombardier layoffs about to hit Montreal. As the minister knows — and as I stated on September 28, 2006 — a national strategic framework was developed for the aerospace and defence sector in direct consultation with academia, industry, employee representatives and the federal and provincial governments. The agreement was signed by his colleague, Mr. Emerson. In September, I was told the Minister of Industry needed some time to develop a program.

Can the minister responsible for the Montreal region assure us that a new program will be introduced and that it will improve upon the Technology Partnerships Canada program? Thanks to the previous government's sound management, the current government now has an unexpected surplus in excess of \$6 billion. All it has done for the program to date is cut its funding by \$40 million.

Hon. Michael Fortier (Minister of Public Works and Government Services): Honourable senators, I thank the honourable senator for his question. When I was appointed to the Senate, I was told that this house is non-partisan and that I would find men and women who rise above the fray. I will demonstrate considerable discipline and not talk about Mr. Trudeau, because I am one of those who do not recall seeing Quebec sign the Constitution, and yet I do recall, with some sadness, that period when the Constitution was patriated without Quebec's consent. A federalist such as yourself, who is very committed to Canada and Quebec, knows that, since 1982, we have been having serious problems with the sovereignist movement in Quebec. I must point out, entirely objectively, that much of these problems stem from that act of patriation without Quebec's approval. I say this with respect for the opposing view.

Returning to your very important question, like you, I am aware of the job losses announced yesterday by Bombardier. I also noticed that it won a sizeable contract this morning, which will generate considerable revenue for its employees in the transport division in the Montreal area.

As for Minister Bernier's program, as I said on September 28, the Minister of Industry is going to table a bill this fall regarding such programs, as he himself has said on several occasions.

• (1400)

Senator Fox: I want to thank the Minister for his response. I would prefer to share the second half of his response with the unemployed workers in Montreal, rather than his little introduction, which is a matter for debate some other time.

Bombardier's union president is quite worried about the current government's attitude. In your own electoral platform, you promise to put an end to Technology Partnerships Canada. You cut \$42 million from that program and the sector is destabilized. The union president said that:

The Conservative government questioned the amount of money allocated for research and development through programs such as TPC and that without the development of new products, it would pull out.

The union president would have preferred hearing answers to these questions instead of biased lessons in constitutional law.

While we are waiting for this long-heralded announcement from the Minister of Industry, could the minister responsible for the Montreal region give his colleague a little shake to get him moving on responding to the applications for hundreds of millions of dollars of research and development under the current program?

You do not have a new program to replace the existing program. You have funding allocated to that program and you are doing absolutely nothing to release the hundreds of millions of dollars for research and development that could give Montreal a competitive edge in this sector.

Senator Fortier: Senator Fox, I was not offering constitutional solutions to Bombardier employees who are out of work. I was answering your question.

Bombardier employees know that as far as defence and aerospace are concerned, this government will do what you have never done: for the first time in the history of military equipment procurement in this country, we will make sure that every dollar given to foreign manufacturing companies will be invested in Canada in the aerospace and defence sector. This is something you never did because you let manufacturers in the past invest in all sorts of frivolous programs without ever ensuring that the communities that depend on aerospace and defence received their fair share of the wealth being created.

We will make sure this happens and I am confident that the workers who are not employed this morning in Montreal will end up in this sector thanks to our programs.

[English]

FINANCE

WORLD'S FAIR 2015—SUBMISSION OF FORMAL BID FOR TORONTO SITE

Hon. Art Eggleton: Honourable senators, my question is directed to the Leader of the Government in the Senate. Toronto City Council, with the support of many citizens — according to the polls, the vast majority — has indicated a wish that a world's fair be held in Toronto in the year 2015.

The billions of dollars that would be gained by the city's economy as well as the thousands of jobs to its citizens would be of tremendous benefit not only for Toronto, but also for Ontario and Canada. It is important, of course, that all levels of government come together in making this happen.

The deadline for making the bid submission is the end of next week, November 3. If we miss that deadline, we miss a terrific opportunity for the city, the province and the country.

The final act is the federal government submitting the official bid to the International Exhibition Bureau in Paris by November 3. Can the minister tell me that the federal government will submit this bid?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question. I must tell him that, on something as important to the City of Toronto as this fair, the council only managed to get the draft business plan to the federal government on October 6, just a few short weeks ago. The federal government is in consultation with the City of Toronto and the Province of Ontario, and they are working together to ensure that all of the required elements of the business plan are in place. When those deliberations have been completed, the government will make a final decision.

• (1405)

Senator Eggleton: I have a supplementary question for the honourable leader. I realize that all three levels of government must come together in sync on this matter, but the final act is that of the federal government submitting the bid. Here is an opportunity for the new government of this country to take a lead role to ensure that these parties come together, that all of the information is in place and that the bid is submitted on time.

Will the federal government take that lead role to ensure that this happens and that we do not lose out on this opportunity?

Senator LeBreton: The federal government is well aware that the federal government's support to the bid is essential. As I pointed out in my first answer, the business plan that was submitted was just received by the federal government on October 6. The Minister of Finance, who is one of the ministers involved in this matter, is well aware of the November 3 deadline. I can assure the honourable senator that when the minister has reached a decision with his counterparts in the Province of Ontario and the City of Toronto, he will make his decision known.

INDIAN AFFAIRS AND NORTHERN DEVELOPMENT TREASURY BOARD

FUNDING TO FIRST NATIONS AND INUIT HEALTH PROGRAMS

Hon. Willie Adams: My question is for the Leader of the Government in the Senate. In recent cuts made by the Treasury Board, the First Nations and Inuit Tobacco Control Strategy was eliminated. The total amount of the fund was \$10.8 million and the Inuit portion of the fund was \$309,270. One of the programs was targeted largely to youth, who are starting to smoke in record numbers. The overall program has been so successful that, in the last year, there has been a 12 per cent drop in smoking in the territory. Another positive step taken by communities in Nunavut is in preventing people from smoking in buildings, where there are children present.

Since the beginning, the Health Board's First Nations and Inuit Tobacco Control Strategy has reduced smoking by 12 per cent. Even during the winter in our community, people cannot smoke in their houses and must smoke outside. It is working out well between the First Nations and the rest of Canada.

Could the leader explain to me why money is no longer being directed to the First Nations and Inuit Tobacco Control Strategy for Inuit and First Nations?

Hon. Marjory LeBreton (Leader of the Government): As the honourable senator knows, the government invests \$2 billion annually in the area of First Nations and Inuit health. The program that the honourable senator speaks of, the First Nations and Inuit Tobacco Control Strategy, was eliminated because the program has been ineffective in achieving the goal of lowering smoking rates among Inuit people and First Nations people. When that program was established, its aim was to reduce smoking rates among First Nations and Inuit, and of course it failed to achieve that goal. This was not a program whereby the government felt that Canadians, especially the Inuit and First Nations people, got value for their money.

• (1410)

All I can say to the honourable senator is that, under Minister Jim Prentice, we intend to work with the leadership and the citizens of First Nations and Inuit peoples to implement effective measures that will reduce smoking and prevent the harms of tobacco smoke, not only to those who smoke, but also to those people who are subjected to second-hand smoke.

Hon. Sharon Carstairs: I should like to know from the minister how the government will implement proper measures, how it will find more effective programs to deal with the problem, if the funding has been eliminated.

Senator LeBreton: The honourable senator did not hear the first part of my answer. The government has committed \$2 billion annually to the health of First Nations and Inuit. Minister Prentice has already taken strong actions regarding the quality of drinking water in many of the areas where our First Nations people live.

This \$10.8 million will not be used to promote an ineffective activity. The program was set up by the previous government to deal with health issues. Since it was not dealing with those issues, we will use the money in a more effective way, to work with Inuit and First Nations people to give up smoking.

[Translation]

FOREIGN AFFAIRS NATIONAL DEFENCE INTERNATIONAL COOPERATION

CANADIAN INTERNATIONAL DEVELOPMENT AGENCY—SAFETY OF AID WORKERS IN AFGHANISTAN—ASSISTANCE DELIVERY

Hon. Roméo Antonius Dallaire: Honourable senators, my question is for the Leader of the Government in the Senate and concerns the minister responsible for CIDA, with whom it is almost impossible to meet and who, even after several attempts, never seems to be available to meet with us.

[English]

I am in line with the strategy in Afghanistan. It is a correct strategy to defend and support emerging democracies, but I am having more and more trouble with the tactics of how we are going about it.

Recently, on a television program I was watching, the Minister of International Cooperation, on a visit to Kandahar, was inside the fence at the compound, handing out gifts to children, instead of going out in the field to visit projects that seemingly are being advanced by CIDA staff and money. I have subsequently learned that, in fact, CIDA staff do not leave the compound.

My question to the Leader of the Government is this: Is the decision to not permit CIDA staff to leave the compound a military one, or is it a CIDA headquarters decision? The decision may, in fact, have been made at Foreign Affairs headquarters. I should like to know where the decision originated — the decision not to let the staff do the job they are supposed to be doing, supervising and initiating those projects in the field with the support of the military?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question. Everyone knows what a treacherous situation we are facing in Kandahar.

I do not know what the honourable senator is suggesting. Is he suggesting that we should have put Minister Verner in danger? It would appear that that is what the honourable senator is suggesting — but I hope not.

As Minister of Foreign Affairs MacKay stated yesterday, he is working with officials in CIDA. There have been serious concerns for the personal safety of aid workers. They are doing the best they can at the moment in very difficult situations. They are working in co-operation with the military.

I also saw the television report last night — where it was strongly suggested that we keep our military there. Unless we militarily secure the region we are trying to assist, there is little chance that we will be able to properly get in and deliver the aid that we want to deliver.

Last weekend, Minister Verner — who was in Afghanistan, as you pointed out — announced that Canada would provide close to \$5 million for emergency food aid for people in southern Afghanistan. The \$5 million will assist the World Food Program deliver food aid. None of this reduces either the seriousness of the situation or the difficulty in delivering Canadian foreign aid workers to the area. Certainly, the Taliban would like to see our efforts fail.

• (1415)

The Minister of Foreign Affairs has said that his department will work with CIDA officials and with the military to develop a system to safely deliver not only food aid, but also other forms of aid and reconstruction efforts into Kandahar province. That area of Afghanistan is one of the most dangerous while the other two thirds of the country seem to be functioning quite well.

Senator Dallaire: We are in a different era, and military operations in isolation fail. You need the integration of the military, the diplomatic nation-building and the humanitarian effort that will make these things work. You cannot have troops away from the front line, assisting with CIDA projects, unless there is an integrated effort with the humanitarian component to initiate, supervise and advance these projects — which, I might add, cost hundreds of millions of dollars; not \$5 million or \$10 million.

Can the Leader of the Government in the Senate indicate whether CIDA is putting the human resources and the experience into that humanitarian effort that is appropriate for the exceptional demand of rebuilding that country? Is CIDA holding back for non-military security reasons imposed by the public service or by something else?

Senator LeBreton: Honourable senators, the three requisite components to success in Kandahar are non-partisan. The honourable senator said that CIDA expects that Canada will spend millions of dollars but, in fact, Canada expects to spend \$15 million in Kandahar province alone. Currently, Afghanistan is the single largest beneficiary of aid money.

However, because seven soldiers were killed near a reconstruction project, there is clearly a problem with delivering aid workers to the area. The Department of Foreign Affairs is

working with the military in a coordinated effort to deal with all elements: the safety provided by the military on the ground, the diplomacy and the delivery of aid. Anyone who would suggest that officials from the Department of Foreign Affairs or CIDA are not fully committed to this area is not reflecting the reality.

The money, the will and the military are there. CIDA is working on a way to deliver foreign aid workers into the area without unduly endangering any lives.

Hon. Tommy Banks: My question is to the Leader of the Government in the Senate, who said that Afghanistan is the single largest recipient of Canadian foreign aid. The previous government and this government agree with Senator Dallaire's comments on the situation exactly as he characterized it: Canada cannot simply go in there shooting. Rather, specific actions must be taken to change the lives of the Afghan people or Canada's efforts will fail.

The Standing Senate Committee on National Security and Defence asked the minister, when she appeared before the committee, to explain what percentage of Canada's aid money to Afghanistan is going to Kandahar. Canada's specific responsibility is in Kandahar. There are many parts of that country that do not require the same kind of effort and are not under the same kind of duress. We need to know whether Canadian monies are being directed to the place in which Canada's interest lies.

• (1420)

The minister was unable or unwilling to answer that question. We asked her in writing, and she responded in writing, but that also failed to answer my question. I direct her attention to a copy of that letter from the minister, which appears in our current report entitled *Managing Turmoil*.

Will the Leader of the Government in the Senate undertake, when she can, to tell this house the proportion and amount of Canadian foreign aid that is going into Kandahar province, as opposed to that which is going to the Government of Afghanistan in Kabul and being distributed elsewhere in the country?

Senator LeBreton: In answer to the honourable senator, \$15 million is the figure that I have for Kandahar.

I must point out that the honourable senator is quite right: Kandahar is different from the rest of Afghanistan. We are in Kandahar because in the fall of 2005, when they were dealing with the various countries in determining who was responsible — and this is a known fact; it is on the public record — there was a dithering of Prime Minister Martin and his officials, and we ended up in Kandahar province.

We support the government's efforts. The fact is that we are in Kandahar province. We are prepared to carry on with this commitment of the previous government. We are prepared to carry on with equipping our military in a way that they can actually deal with the challenge they have been handed, which is something the previous government did not do.

Senator Banks: I would like an answer to my question, which is about money. I hope that the Leader of the Government in the Senate will undertake to find out what proportion of Canadian aid — not just the \$15 million in food aid — to Afghanistan is directed to Kandahar province. We need to know that in order to confirm whether the 3-D program is, in fact, working.

Senator LeBreton: I believe I just stated that CIDA expects to spend \$15 million in Kandahar province by the end of the year. As I also stated, no projects in Kandahar are being held up for lack of funds.

A recent funding announcement includes \$3.1 million towards medium-sized infrastructure, and \$2 million towards expanding the National Solidarity Program, Afghanistan's community development program. CIDA's work is being carried out in partnership with NGOs and local Afghan communities.

In specific answer to the honourable senator's question, the monetary figure of \$15 million is the amount to be put towards efforts in Kandahar.

VISITORS IN THE GALLERY

The Hon. the Speaker: Before proceeding to delayed answers, I wish to draw the attention of honourable senators to the presence in the gallery of the participants of the Commonwealth Parliamentary Association's Fifth Canadian Parliamentary Seminar.

On behalf of all honourable senators, I wish to welcome you to the Senate of Canada.

[Translation]

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting a delayed answer to the oral question raised on October 17, 2006, by Senator Fox in regard to the United Nations First Committee Resolution for Arms Trade Treaty.

FOREIGN AFFAIRS

UNITED NATIONS RESOLUTION FOR ARMS TRADE TREATY

(Response to question raised by Hon. Francis Fox on October 17, 2006)

Previously, the Minister of Foreign Affairs has indicated support in principle for a treaty that would limit the illicit export of arms into conflict zones, and the Canadian delegation to the UN General Assembly has been instructed to co-sponsor the resolution.

• (1425)

[English]

ORDERS OF THE DAY

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau, for the second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure). —(Subject-matter referred to the Special Senate Committee on Senate Reform on June 28, 2006)

Hon. David Tkachuk: Honourable senators, I should like to add my comments to the debate on Bill S-4, my government's bill on limiting the term of appointed senators to eight years. I have also been fortunate enough to sit on the Special Committee on Senate Reform, which has done a pre-study of the subject-matter of Bill S-4 and the motion on increasing the number of senators from the West.

There may be differences of opinion on the length of tenure, but it seems that most senators are agreeable to the principle of limited terms. There are some who are advocating terms of longer than eight years, but I will let them speak for themselves.

For those who may not have been following the matter closely, the subject matter of Bill S-4 was referred to our special committee 118 days ago. The committee missed its first deadline but has rescheduled to report its findings no later than Thursday of this week.

To date, our special committee has met for a total of 28.6 hours, and we have heard from 26 witnesses. We have heard from constitutional experts, officials from the provinces and private individuals. The Prime Minister appeared before our committee as well — the first time a Prime Minister has appeared before a Senate committee — to share his views directly with the special committee on Bill S-4 and other matters brought forward by senators.

Honourable senators, at second reading and during our committee hearings, many on the other side expressed concern about the constitutionality of the bill. Let me assure honourable senators that the bill is constitutional. For the sake of senators who did not attend the committee hearings, let me repeat the words of some of the many constitutional experts who took the time to study the matter and share their conclusions with us as to whether Parliament was within its right to proceed to limit the terms of senators to eight years through the mechanism of the bill presently before us.

Patrick J. Monaghan, Dean of Osgoode Hall Law School, said the following:

... we have clarity as to who or what institution has the power to change the Senate. Those matters that are fundamental or essential are identified in section 42. The Parliament of Canada, through section 44, may enact changes to the Senate, including the tenure of senators.

Gerald Beaudoin, former senator, Professor Emeritus, Faculty of Law, University of Ottawa, our former colleague, was crystal clear — some would say unusually so — when he was asked and answered:

Is Bill S-4 constitutional? ... in my opinion, I have no doubt that it is constitutional.

Gérald R. Tremblay, a partner at McCarthy Tétrault, agreed with Professor Beaudoin, and added:

It is clear that it should not be the norm that ... the executive appoint the legislator. In the general theory of the separation of powers, the legislators legislate and the executive carries out the intentions of the legislators.

Peter McCormick, Chair of the Department of Political Science at the University of Lethbridge —

POINT OF ORDER—SPEAKER'S RULING

Hon. Sharon Carstairs: On a point of order, Your Honour, I find it extraordinarily strange that we would have at the present moment in this chamber a discussion of what has happened in a committee before the committee has reported to this chamber. We have had matters of privilege in which we have chastized senators for being public about the ingredients of a report before that report has been tabled in this chamber.

I would like honourable senators to know that I, personally, am somewhat offended that a senator would have sat on that committee and then come to this chamber the day before the committee is to report and elucidate what has been happening in that committee.

Hon. Marjory LeBreton (Leader of the Government): On this point of order, I would remind honourable senators that the subject-matter of the bill was referred to the committee, not the bill. Senator Hays, through Senator Fraser, the other day pointed out to us that even though the subject-matter of the bill was before the special committee, that did not in any way prevent us from continuing to debate the actual Bill S-4, which is before the Senate. It has never left the Senate. It has been at second reading here in the Senate all along. I think Senator Carstairs is out of order by her intervention.

Hon. Daniel Hays (Leader of the Opposition): I think the point of order is a good one, honourable senators. The subject-matter of the bill was studied, and the committee has prepared a report, which it will table tomorrow. One should be careful in terms of speaking to Bill S-4 at second reading, as opposed to speaking to

the report on the subject matter of Bill S-4. Our practice is to receive the report and then speak to the report.

• (1430)

In support of Senator Carstairs' point of order, is Senator Tkachuk speaking to the report, which is not before us, or is he speaking to the second reading subject matter of Bill S-4? Some of what the honourable senator said is quite properly on Bill S-4.

However, in quoting at length from a report that will be tabled tomorrow, it would appear that Senator Tkachuk is speaking to the report. Our practice in this place is that we speak to a report at report stage, after the report is before us all. Following the tabling of a report, a period of time follows before it is spoken to, for the very good reason that senators who may wish to put questions to someone speaking to the report or who may want to speak to the report will have had an opportunity to read it. Therefore, when a report is spoken to, all honourable senators are on the same footing as to the report.

While it is not my desire to interfere in any way with anyone who would wish to speak to Bill S-4, said speech should be confined to Bill S-4 at second reading and not to matters relating to the report that is not yet before us.

Hon. David Tkachuk: First, the other side is often easily offended, and Senator Hays is wrong.

Senator Corbin: Do not get personal.

Senator Fraser: Do not get personal.

Senator Tkachuk: The honourable senator is easily offended. First, I am not speaking about the report. I have not finished my speech yet, so honourable senators do not even know how it will end.

Second, all I have done is quote from the public record, which any Canada citizen, including senators, can access via the Internet. We still have free speech in this country, although the Liberals in this place are trying to stop it, again.

Some Hon. Senators: Oh, oh!

Senator Tkachuk: The most obstructionist Senate in the history of Canada.

Senator Angus: That is why we have to reform the Senate!

Senator Tkachuk: There is no point of order, Your Honour, and I should like to have the right to finish my speech.

The Hon. the Speaker: Are there any other comments on the point of order?

Hon. Joan Fraser (Deputy Leader of the Opposition): Your Honour, Senator Tkachuk makes a glaringly obvious point when he says that any senator can obviously quote what is a matter of public record. It is true that the hearings of the committee are on the public record; indeed, they were televised.

As I was listening to Senator Tkachuk, and it is worth reminding honourable senators that he did participate in the work of that committee.

Senator Hays: Very well.

Senator Fraser: Yes, very well.

It seems to me that, on a couple of occasions, Senator Tkachuk was in danger of crossing, or appearing to cross, the line in referring to what is public and referring to what is not yet public. I would give as an example his flat statement — and this is why I say “purporting” — that, rest assured, colleagues, the bill is constitutional. Obviously, this is a matter that the committee did have to consider; it had been part of the debate and was much discussed in testimony. For colleagues who did not glue themselves to every second of the testimony, may I say that there were mixed views on the constitutionality of the bill.

The report, I would assume, will address these matters, but anyone who knows that Senator Tkachuk was involved would be justified in believing that he had just informed this Senate about a conclusion of the committee in its report. Remember, I did say “purported.”

Senator Comeau: Allegedly.

Senator Fraser: Therefore, Your Honour, there is a point of order here. Nobody is trying to prevent discussion of the bill, of what has already been said on the public record. On the contrary, this is one of the most important pieces of proposed legislation to come before this place in a long time, and we should be debating it fully.

Senator LeBreton: Self-serving.

Senator Fraser: However, I do believe that Senator Carstairs' point of order is justified.

Hon. Hugh Segal: Honourable senators, if I may address the point of order, I do so with the greatest respect to my colleague from Manitoba, whose knowledge of these matters procedurally will, for many years, outstrip my most ambitious hopes in that respect for my own capacity, to say only this: I think that, had there been an explicit effort on the part of my colleague to address the details of a report that was to be tabled at a later date, the issues raised by Senator Carstairs would be absolutely constructive relative to the consideration of a point of order by Your Honour.

However, the notion that information that was discussed before that committee that is on the public record is not marshalled in the context of a normative debate in this place in support of second reading of the bill strikes me as an undue constraint. This is the sort of issue where the more discussion we can have, the more frank and open exchange of opinions as part of our debate is constructive for the country and for the issue itself and will inform the house in a way that will make the receptivity to whatever the committee may choose to report more enhanced and better informed, and in that context most constructive. Therefore, I argue that it is not a valid point of order.

Hon. Francis William Mahovlich: Honourable senators, I want to say to my colleague Senator Segal that it is a point of order and that sometimes less is more.

The Hon. the Speaker: Further comments on the point of order? Does anyone wish to give the chair some indication or support for their argument in the procedural literature? We will conclude with Senator Carstairs.

Senator Carstairs: Honourable senators, it is obviously perfectly in order for Senator Tkachuk to give a speech on the bill. The bill is before the chamber and it is perfectly in order to give a speech in the chamber about the bill. However, in saying, at the beginning of his speech, that the committee sat for x-number of hours and heard from x-number of witnesses, the honourable senator is not talking about the bill, he is talking about the committee. The committee has not yet reported.

The Hon. the Speaker: Honourable senators, the chair will try to be helpful in dealing with the matter.

The point that was raised by Senator Carstairs and the manner in which she raised it is a valid one. Namely, if there were a report being drafted for submission the Senate cannot anticipate the report nor make it public, just as honourable senators of the given committee cannot make public the contents of that report until it is tabled.

The motion before us is a continuation of debate at second reading on the principle of the bill. That debate is very much before this house, notwithstanding the fact that the subject matter has been under study by the Special Senate Committee on Senate Reform.

I will conclude by recommending that Senator Tkachuk continue and that he, to every extent possible, not anticipate the content of the report because it is much better to speak as an historian than as a prophet.

Senator Tkachuk: I will continue from where I left off. I was not in any way giving any information about the report. The report is not quoted once in this speech. I give my opinion of whether Bill S-4 is constitutional, and I use the evidence that was presented in public to back up that opinion. I have yet to finish, however. Honourable senators should not jump to conclusions. I feel sorry for myself, so I will continue now.

• (1440)

Peter McCormick, Chair of the Department of Political Science at the University of Lethbridge, said:

...I think it is clearly within the power of Parliament alone to amend that part of the Constitution. The Senate reference from 1980 related to a different document and a different context.... By my reading, it is within the unilateral power of Parliament to amend that part of the Constitution.

Peter Hogg, noted constitutional expert and scholar in residence at Blake, Cassels and Graydon said:

Since Bill S-4 makes no change in any of those four matters [of section 44 of the Constitution, whereby Parliament does not have the power to make laws relating to the Senate] if enacted, this bill would be valid as a law in relation to the Senate. Therefore, I say that it is authorized under section 44 of the Constitution Act, 1982.

Honourable senators, the bill stands by itself as good legislation that will hope to provide additional credibility to the hard work done by this chamber, additional credibility to those doing the work, and additional accountability. I urge all senators to read the report when it is tabled tomorrow.

Turning briefly to another subject, somewhat related, we as senators know that this chamber is one of great diversity. We know that we engage Canadians on tough public policy questions and issues, and we know we must work diligently in committees and produce generally excellent reports. A critical issue that has come up time and again in recent years is that senators are appointed and not elected. As a matter of fact, that has come up not only in recent years but almost from the time of the Constitution of 1867.

The prevailing view among the public at large is that the appointment process undermines our credibility.

The former Leader of the Government in the Senate, Duff Roblin, put it in terms both accurate and blunt. He said:

An appointed senator — and let us be frank about this — is responsible constitutionally to no one.

...we have legislative authority without democratic responsibility...

I quote that from the Canadian Parliamentary Review of 1982, just in case anyone thought that Duff Roblin made a sudden appearance before the Senate committee hearings on Bill S-4.

It is time to revise a phrase coined by the Honourable Don Mazankowski: It is time we bring the Senate kicking and screaming into the 21st century.

For the sake of comparison, it is important to note what some other chambers look like in some of the world's other democracies. The Australian Senate is comprised of 76 elected members who serve six-year terms. The U.S. Senate comprises 100 elected members who serve staggered six-year terms. Spain's upper chamber, the Senado, comprises 259 elected members: 208 directly and 51 indirectly. All senators serve four-year terms. Italy's Senate consists of 315 elected members who serve a maximum of five-year terms.

Honourable senators, other countries have taken action to bring their institutions into the 20th century, and now the 21st century. Australia made the transition to an elected Senate. Canada can and should do the same. Bill S-4 is a step in the right direction. By itself, it is a positive step in the reform of this institution.

I am not in favour of an extension in length, as you will hear in the report tomorrow as well, although other senators are in favour.

Senator Murray: How does he know what is in the report?

Senator Moore: He is referring to what is in the report.

Senator Tkachuk: I am not.

Senator Moore: You did.

Senator Fraser: You just did.

Senator Tkachuk: People made very clear in public testimony, to which anyone could have listened, how different senators feel about this matter. I am not reporting anything that is not public knowledge and cannot be reported in the newspaper. I am not quoting from the report.

I am not in favour of an extension in length because numbers like 12 years, which were bandied about, and no age limit will preclude many older Canadians from being appointed, because a Prime Minister may be hesitant to appoint a 70-year-old who may sit to age 82.

The method by which we presently select our senators leaves us as a painful anomaly in the democratic world. I am looking forward to a time when senators are elected to this chamber. However, this is not the issue that is dealt with by Bill S-4.

The Prime Minister, who has never previously appeared before a Senate committee, was so interested in this matter that he did just that. He stated:

The fact that senators can be, and occasionally are appointed for terms of 15, 30 or even 45 years is just not acceptable today to the broad mainstream of the Canadian community.

I want to spend a little time talking about the so-called independence of the Senate, this so-called premise that we are less partisan and more independent than the House of Commons. We do not show our partisanship as much because, in almost all cases, the democratic house has already ruled on the principle of a bill. Therefore, we are faced with dealing with the subject-matter alone and we, not having to face the wrath of the electorate, defer to the lower House. This is practical and it is civilized, because we are an appointed Senate, not an elected Senate. However, that does not mean that we are not independent.

How often have any one of us voted against a government bill that contravened the will of our regional caucus, and that expressed the will of our national caucus? I am willing to bet that the answer is rarely, if ever. I, myself, do not recall a time when I have done so. I am very fortunate that I live in the province of Saskatchewan, and that my ideological views reflect those of about 48 to 50 per cent of the population, and have done so for the last 20-some years. I am not sure now how the senators on the other side from Alberta are able to square their reflection and representation in that province.

When we think about the need for senators to be independent, we must ask ourselves: independent of whom? I say that electing senators for a fixed term will make us more accountable to those who elect us from our region and more independent of our national caucus. After all, that was part of the reason for creating the Senate in the first place. Senators were supposed to represent their regions and, in so doing, protect vulnerable constituencies that were not protected by the House of Commons. Indeed, honourable senators, that was a full 50 per cent of the job expected of the Senate as it was designed by our founding fathers. The other object was to serve as a check on the Commons and the cabinet. We are fulfilling a demand in the 21st century that was required of us in the 19th century.

Honourable senators, we are at an historical crossroads and at an exciting time in our history. We are part of a process that will permanently change this institution for the better. We were asked by our Prime Minister to be part of that process and the committee on Senate reform, by asking for an extension, is trying to fulfil that mandate. Bill S-4 is still before the Senate at second reading. It has been stuck at this stage for some time now. Tomorrow we will be presented with a report and I hope that we will move along rather quickly with this process. I support referring the bill to our committee for study, but I am not sure how the leadership will organize that. We will see what happens.

I ask everyone to support Bill S-4, to get involved in the debate, to move the bill to committee and return it to the House of Commons as quickly as possible.

• (1450)

Hon. Lowell Murray: I wonder if I might ask the honourable senator a question. I think I have already spoken on this bill, so I am not permitted to engage in debate with the honourable senator, much as I would like to do so. Therefore, I will put a couple of questions to him.

First, from his close study of the testimony at the committee, has the honourable senator noticed that we received evidence concerning the length of time that senators serve in this place? This is evidence that, I think, is contrary to the suggestion made by Prime Minister Harper and quoted by Senator Tkachuk today about 45-year terms, and so on. The evidence presented by one of the expert witnesses in some detail contradicts the assertion of both the Prime Minister and Senator Tkachuk.

Second, with regard to the partisanship in this place, there was also expert testimony from someone who had done a study of divisions in this place, indicating that partisanship was considerably less here than it is in the other place. I would ask the honourable senator if he has not noticed, in debates here and notably in debates in committee, that witnesses and others remark when they come into a Senate committee and watch it in action. It is, they say, impossible to tell to what party a particular senator is affiliated, so objective and dispassionate often is the debate.

Third, since the honourable senator is so much in favour of this bill, may I ask him whether I can count on him to second a motion that I might make to render the legislation retroactive so that those who are in favour of eight-year terms will have the opportunity to surrender their seats for others.

Senator Tkachuk: That is easy for the honourable senator to say, since he has been here since 1979. I am not sure how much of that was a question and how much of it was a speech.

On the one question about the term of senators, the Prime Minister was speaking about the possibility of someone being appointed at age 30; he might possibly sit until the age of 75. I did hear the testimony; I think the average time for a senator in this place is 11 years.

The other question was really a statement by the Honourable Senator Murray. It is a debatable statement so I will just leave it at that.

The Hon. the Speaker: Honourable senators, the Honourable Senator Tkachuk's time has expired. Is there further debate?

Senator Comeau: Question!

On motion of Senator Hubley, debate adjourned.

[Translation]

FOOD AND DRUGS ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Callbeck, for the second reading of Bill C-6, to amend the Food and Drugs Act (clean drinking water).—(*Honourable Senator Keon*)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with the permission of the Senate and notwithstanding rule 27(3), I would ask that the clock be rewound.

[English]

The Hon. the Speaker: I need to remind honourable senators that that rule of 15 days is a real rule. I know it is a little fractious here, but why get up and rewind the clock? One must get up and participate in the debate, and then take the adjournment. If an item is standing adjourned for 15 days, it falls off the Order Paper. Our Order Paper often gets cluttered. There are items that are put there for whatever reason by the honourable senator and no action is taken on them. Perhaps the urgency of the issue has passed by, and it is not considered important enough to take the Senate's time to deal with it.

In any event, the rule is there. I always thought it was a good rule. However, we may take that as Senator Comeau's intervention on the item.

Hon. Joan Fraser (Deputy Leader of the Opposition): It would simplify life, if you like, if we had a longer intervention, Your Honour.

Might I observe that this is a bill dealing with some very important matters. Clean drinking water is obviously a question that concerns every Canadian, and that can no longer be taken for granted by most Canadians, which was the case for many years.

As you know, Senator Grafstein, who presented this bill, has been working on this subject for more than one session of Parliament. He is still working on it.

I have had a couple of understandings about this bill. One is that there is a significant degree of interest in it and a reasonable degree of support for it, at least in principle, although detail would be for a committee to examine specifically.

I have also been under the impression, perhaps erroneously, that there was a member of the Senate on the other side who did wish to speak to this bill. The member in question, whom I shall not name out of elementary courtesy and prudence, is himself an extremely busy senator so I am not complaining of the fact that he has not yet spoken to the bill. However, if we were to consider my intervention today to be an intervention for debate, then the honourable senator would have an opportunity to participate in the debate, and I would hope that that would occur fairly soon.

Senator Comeau: I appreciate His Honour's interest in not cluttering up the Order Paper, and I agree with him. We must look at these items every day, and it does get annoying, as the Deputy Leader of the Opposition would know. It takes up quite a bit of our time as well.

With all due respect to Your Honour, it is not our intention in any way to have the objective of this important bill die after 15 days. I think the 15-day rule is there in case there is no interest from any of the senators on either side of the house. In such matters, the bill eventually falls off the Order Paper.

In the matter of this bill, the objective of our side is not in any way, shape or form to see it die. This is why we chose today to rewind the clock. I can understand that Your Honour might want us to make a long speech on the matter, but in my view sometimes prudence dictates that you do not make a long speech. One makes it short and simple, gets up and asks to rewind the clock. It saves everyone listening to a long speech.

Having said that, I think we have commented enough at this point to ensure that, yes, there is a lot of interest in this bill, and we will eventually get to it.

The Hon. the Speaker: The house is ready for a motion to the effect of the adjournment of the debate.

On motion of Senator Banks, debate adjourned.

SCOUTS CANADA

PRIVATE BILL TO AMEND ACT OF INCORPORATION—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Cochrane, for the second reading of Bill S-1001, respecting Scouts Canada.—(*Honourable Senator Hays*)

Hon. Consiglio Di Nino: Honourable senators, I would like to take a couple of moments to speak on this matter. I have spoken with the leadership on the other side, and with Senator Hays in particular, under whose name this item sits on the Order Paper.

I believe we are in agreement that, unless some other senator has an interest in speaking to it today, we should move this item and refer it to committee.

• (1500)

The presentation I made on October 3 talked about an opportunity for all interested parties to be able to express their views — not only senators, but others. I believe that it would be appropriate to continue to invite those who are interested, both from the Senate side and from outside of the Senate, from the public standpoint, to come and debate the issue at committee.

There is a time constraint to this item, in that October 3, 2007, is the one hundredth anniversary, the centenary, of scouting. I should like to see this bill continued sometime in the near future, so that it can be dealt with before that milestone comes to be.

Hence, whatever it is appropriate for me to move, I would so move.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Tommy Banks: I apologize to Senator Di Nino for not having spoken to this bill earlier. I wish to speak to the bill, before it goes to committee, and I undertake to do that tomorrow.

Senator Di Nino: I respect the honourable senator's wish to speak to the bill. I hope we can conclude the matter tomorrow.

On motion of Senator Banks, debate adjourned.

STATE OF LITERACY

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Fairbairn, P.C., calling the attention of the Senate to the State of Literacy in Canada, which will give every Senator in this Chamber the opportunity to speak out on an issue in our country that is often forgotten.—(*Honourable Senator Fraser*)

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I shall not speak long, but I do wish to add a couple of thoughts of my own as we continue our consideration of this important and, I must say, fascinating inquiry.

I shall not speak about the human impact of inadequate literacy skills. Others have done so far more eloquently and with more direct knowledge than I. I would simply observe that all of us know at least one, and possibly more, people of whose intelligence we are certain but of whose limitations in life we are also equally certain because those persons, for whatever reason, do not have the literacy skills that would enable them to fulfill their potential properly.

My attention was particularly caught by the two very interesting speeches given yesterday by senators on the government side, Senator Tkachuk and Senator Segal. They were very interesting speeches — reasoned and thoughtful. It will perhaps be no surprise, given the content of the speeches, that I tended to agree with Senator Segal more than I did with Senator Tkachuk, but I thought they were both making important points in addressing important issues.

In both cases, what I found myself reflecting on was that we have become so understandably preoccupied with the individual human cost of less than adequate literacy skills that we sometimes forget the cost in more material terms to the whole collectivity of less than adequate literacy skills in our economy. We know, for example, that the unemployment rate for people with the lowest levels of literacy skills tends to run at about 26 per cent, last I saw, whereas for people with the highest levels of literacy skills, unemployment runs only about 4 per cent.

Unemployment is not just a social cost, not just an individual human tragedy, it is a great economic cost. Unemployment creates direct burdens on governments and lessens the performance of our economy.

The C.D. Howe Institute found a while ago that a 1 per cent boost in literacy yields a 2.5 per cent increase in productivity across the board — not necessarily individually, but for the economy in general. I would suggest that that is probably true for individuals.

In this context, I was pleased to see Senator Segal note that, although it is unfortunately true that our average, across-the-board literacy rates have not changed, it does not mean that there have not been enormous changes among the population at each of those levels. People move out of the low-literacy category and up and are replaced in the low-literacy category by new people — obviously, some, immigrants who come here from countries where the education is not what it should be or who come here with less than adequate skills in our two official languages.

However, I must also say that, even in major metropolitan centres in provinces that can afford good schools, our schools graduate people with abominable literacy skills. Just look at the letters of application for employment that honourable senator receive from recent graduates.

It is to our collective advantage to help these people, not only to their individual advantage. Obviously, I believe, on a human ground, we should help people. However, beyond that, it is to our collective economic advantage to help these people.

Yesterday, Senator Tkachuk said something that has a large element of truth in general. He said, in light of the cuts to the literacy budget, the following:

While some organizations might have to close down, others will take their place. This is Canada — land of innovation, vigour and enterprise. Innovation and change are good.

Obviously, they are. Equally obviously, all the productive innovation that we can get in the matter of literacy is doubly good.

What Senator Tkachuk was talking about sounded to me in a way like Schumpeter's creative destruction. That theory was devised to discuss evolution in the industrial sector, in the market. It carries a great deal of weight when one is considering the evolution of economies. Old industries die and new ones grow up. Buggy whips died and microchips grew up.

I am not at all sure that it is as constructive to destroy social programs that have been built up. In particular, it is perhaps not constructive to destroy social programs that have been built up as this one has, at very low cost to the treasury, relying on a national network of volunteers, of people who are without price and who, collectively, have provided a social service whose disappearance will not easily be replaced by new entrepreneurial efforts. I do not think it works that way in services of this nature.

This strikes me as a case where destruction may just be destruction, and not as creative as we would wish it to be. We shall all pay a terrible price.

We know that, in today's world, we need better educated workforces, more literate workforces. The old days of being able to scrape by on very low literacy skills because there were always an infinite number of blue-collar jobs, where your biceps and triceps could earn you a good living — in many cases, those days are gone. If we do not have a population that is fully equipped to compete at the highest levels of literacy, then that population will not be able to compete at the highest levels of all the other skills that will determine success or failure for national economies in the 21st century. We keep talking about how well Japanese children do in school, for example, because we know it matters. It is not just a social phenomenon that is interesting to contemplate. It has a direct impact on their economy and, by ricochet effect, on our economy.

• (1510)

As I was listening to the two speeches that so struck me yesterday, I was truly captured by Senator Segal's suggestion that we need to move to a new, broad approach to a national literacy strategy. He suggested a summit, I believe he said, which is a phrase that goes back a long way in Quebec, some with mixed success. In this case, it could be extremely interesting. Senator Dallaire talked about a federal-provincial summit that "invites territorial, labour, private sector and First Nations participation, along with experts." I would suggest that some municipal engagement in such an effort might be extremely constructive.

It is easy to call for meetings to solve everything, but sometimes when one is addressing a known problem, getting people to sit down around a table is the only way to provide a constructive, forward-looking and innovative approach. However, I repeat: If, in the meantime, we have destroyed what was already in place, then what they do when they sit down will be simply to reinvent the wheel, to a counterproductive extent. Surely it would be better by far to preserve what we have, or have had until recently, while we devise a forward-looking new strategy that, properly done, could become a major national goal that Canadians would care about and would participate in and would be glad to contribute to.

We are talking here of only about \$17 million. There were interesting reports in the newspapers today about how this government is awash in cash. I do not think \$17 million is a rounding error for a sub-subcategory of spending for a government in the fiscal position that this government is in. May I observe that that is obviously a tribute to its predecessors.

They can afford it. We can afford it.

Senator Romkey: \$7 billion more.

Senator Fraser: However, by killing this \$17 million, as Senator Fairbairn and others have told us, we would be pulling the rug from under the people who have been doing, with their best efforts, what needed to be done. Let us restore the \$17 million and let us move forward. We will freeze everything where it stands and go forward and devise the proper strategy for all of our citizens for the 21st century.

On motion of Senator Cochrane, debated adjourned.

[Translation]

CANADIAN NATIONAL VIMY MEMORIAL

INQUIRY—DEBATE ADJOURNED

Hon. Roméo Antonius Dallaire rose pursuant to notice of October 18, 2006:

That he will call the attention of the Senate to the final phase of the restoration of the Canadian National Vimy Memorial begun in 2001 under the auspices of the Canadian Battlefield Memorials Restoration Project.

He said: Honourable senators, I rise today to share with you the good news that the restoration of the Canadian National Vimy Memorial, in France, has entered the final phase. I raise this topic today because I will be away at a date closer to November 11. I therefore beg your indulgence today.

As a member of the Vimy Memorial Conservation Advisory Committee, I am very pleased to announce that the restoration work started in 2004 will soon be completed. I find it particularly appropriate to discuss this matter as Remembrance Day draws near. I will have the honour of addressing you again about this restoration project in 2007, when the Canadian National Vimy Memorial is officially inaugurated and, again, during the events in honour of the 90th anniversary of the battle fought between April 4 and 14, 1917 to take Vimy Ridge.

The Battle of Vimy Ridge is a historic battle of the First World War and was the greatest Canadian victory of that war.

On Easter Monday April 9, 1917, 100,000 Canadians led by Major-General Sir Arthur Currie attacked Vimy Ridge, in northern France, which was occupied by German forces. These 100,000 soldiers were among the 600,000 Canadians who fought in that world war.

[English]

In the concept of operations, prior to the battle, tunnels had been dug around Vimy Ridge to install mines under the German lines and to permit our soldiers to hide in preparation for the offensive. The Canadian front was 6.4 kilometres long, expanding from the town of Thélus to the town of Souchez. The assault commenced at 5:30 a.m. on April 9 in a withering storm of snow and freezing rain — absolutely perfect infantry weather. The corps moved forward quickly behind an artillery barrage provided by 850 guns as represented by the gun that we see above in this chamber. The Canadians captured the two main elevations of the ridge in three days. The assault had been

carefully planned and everyone, from the major-general to the private, had been rigorously briefed and trained for the day of the attack.

The capture of Vimy Ridge by the Canadians was of particular strategic importance to the Allies' offensive because it was a prerequisite to the advances of the British Third Army to the south, and it later served to counter the massive and desperate German counterattacks in that area.

Anecdotally, in November 1975, I was in France for the ceremony to commemorate the Canadian contingent at Vimy Ridge. As the Canadian representative, I received an MP, Mr. Prospère Boulanger, representative of the then Minister of Veterans Affairs. His 20-minute speech in French described to our French hosts how the Canadians had taken the hill in four days while it took the French two years to come to a stalemate. He then repeated the speech in English, creating an unfriendly atmosphere for the lunch that followed.

• (1520)

[Translation]

By the time the battle was over, 3,598 Canadians had lost their lives, while another 7,004 had been wounded. The Battle of Vimy Ridge was Canada's greatest victory during the First World War, but also the bloodiest. Four Canadians who fought there were awarded the Victoria Cross, the highest decoration that Canadian soldiers can receive for displaying bravery and valour in the presence of the enemy.

The Battle of Vimy Ridge marked the first time when the four divisions of the Canadian Corps fought together as a single formation. That experience was crucial to the development of unity of the Canadian Forces, and of Canadian unity.

[English]

Sir Arthur Currie insisted that Canadians not be split amongst the other British armed forces and used as reinforcements, but insisted that Canadians fight as a Canadian corps, to remain a Canadian corps and to be a presence on the battlefield, which subsequently earned enormous respect from both the Allies and the enemy.

[Translation]

I believe that the Vimy Memorial is invaluable to Canadians, not only because of its historic importance, but also because of what it represents today for all of us.

Most Canadians who fought at Vimy were citizen soldiers, but they had almost three years of combat experience. It is their courage, their determination and a very thorough preparation that allowed these Canadians to win at Vimy and to eventually help end the war, along with the allied forces. This same courage and determination have been displayed by Canadians who have maintained peace for decades, and it is now also being displayed by those who are involved in the resolution of international conflicts in many countries that are imploding.

Canadians continue to be engaged in the defence of human rights all over the world, whether it is in Europe, in Africa, in Afghanistan, or elsewhere. As was the case during the Battle of

Vimy Ridge, Canadians, including an increasing number of female soldiers, are ready to fight for these human values, and even to put their lives on the line, when these values are in jeopardy.

The Battle of Vimy Ridge and Canada's participation in the First World War in general were decisive, historic moments for our country's future. These events marked the beginning of Canada's active participation in international human rights, establishing a Canadian tradition and making selflessness one of our fundamental values.

Since the Korean War, more than 80,000 Canadian troops — men and women, regulars and reservists — have participated in over 30 peacekeeping and conflict resolution missions around the world. Canada's commitment to protecting human rights was also one of the elements that led to our independence from Great Britain at the end of the Great War.

Canada entered the First World War on August 4, 1914. At the time, Canada was obliged, as a colony of the British Empire, to fight in wars that the mother country was fighting. Canada entered the war as a colony of Great Britain, and emerged as a sovereign country. In 1919, Canada signed the Treaty of Versailles, which put an end to the war. It did so as a sovereign nation, a nation that came into its own through the blood shed by our young people on the battlefields of Europe.

The Canadian National Vimy Memorial is a symbol of our national unity and our commitment to defending human rights. That is why this monument is so important and why we must maintain it in good repair. I am sure you fully understand the importance of the restoration project.

The Canadian National Vimy Memorial was designed by Canadian architect and sculptor Walter Seymour and unveiled in 1936 in the presence of more than 50,000 Canadian, French and British veterans. In April 2007, 90 years after the battle, it will be unveiled once again in a ceremony that I am sure will be just as emotionally charged and full of promise for the future. It is the fundamental symbol for that occasion. It will attest to the stability and strength of our human values resulting from the sacrifices of those young people, at that time, in a faraway place — values that we carry forward into a complex and often tenuous future.

[English]

I would like to share with you a few details of this important restoration project. The Vimy Ridge National Historic Site encompasses 117 hectares of land, which was the size of the battlefields of Vimy. The restoration project focuses on the monument central to the historic site. This 30-metre tall concrete and Seget stone sculpture was in dire need of restoration. It was in an advanced state of decrepitude.

The monument bears the name of 11,285 Canadian soldiers who were listed as "Missing, presumed dead," in that campaign in France. It is adorned with 20 statues representing sacrifice and hope, the most visible one being the figure of Mother Canada mourning her fallen children, which stands at the front of the monument.

After decades of neglect, the previous Government of Canada invested \$30 million in the restoration of the Canadian battlefield memorials overseas. Of this, \$20 million were allocated to the restoration of the Vimy Memorial. It was discovered necessary to restore the monument because of the deterioration of the material and structural components of the monument. The project encompassed the restoration of the main monument, as well as improvements to the landscape, installations and lighting.

Veterans Affairs Canada, the lead in this project, in collaboration with Public Works, put together an international team of architects, engineers, artisans and contractors to plan and execute the restoration of the monument totalling over two years of work. After a competitive bidding process, a Belgian company was awarded the contract to execute the restoration of the project.

One of the priorities of the Vimy Monument Conservation Advisory Committee was the preservation of the commemorative integrity of the monument. For example, we wanted to ensure that, to the extent possible, the same materials were used in the restoration as those used in the original monument. One of the more challenging aspects of this venture was to find and secure the same Croatian Seget stone that had been quarried in that country and used in the original sculpture. This time, we bought not only enough to refurbish the monument but enough for subsequent restoration, fearful of what could happen to that country in the future.

Other major parts of the restoration project included re-assembling the stone structure to create a system more flexible to heat and frost. An improved drainage system and better water-proofing were installed to prevent future water damage. Damaged stones were replaced and re-engraved, and the 20 statues were refurbished.

[Translation]

In closing, I would like to highlight the extraordinary work of all those who contributed directly or indirectly to the restoration of the Vimy Memorial, a masterpiece again. I would like to thank the Government of Canada for making the restoration project a priority and for undertaking it.

Honourable senators, I await with joy the second unveiling of Canada's commemorative monument next April. It is a monument that represents Canada's past and its future — a future where Canada will play an important role in defending human rights, resolving international conflicts and maintaining peace in all areas of the world where human rights are trampled.

[English]

Hon. John G. Bryden: I want to congratulate the honourable senator on his speech. I very much enjoyed listening to it, and the passion with which he refers to the restoration of the monument.

One of the most interesting books I have read in my life was somebody's account of Vimy Ridge and what that did for Canada, in Canada's place. There is no question that that was the time when Canada came of age.

• (1530)

It happened at a time when there was a way to do war. The way you did war before Vimy Ridge, as I understand it, in WWI, was the generals brought in as many troops and dug as many trenches as they could. Each side sent in its troops. When those troops were depleted, more troops were sent in. They moved back and forth, x-number of feet, in the trenches. It was said that the war would be won by the side that still had fresh, young troops left when the other side had lost all of its troops. Unfortunately, much of this cannon fodder came from the colonies — Canada, Australia and so on. Thank God someone, a Canadian, took the position that we will not do this anymore and will at least try something different with the rolling cannon and so on.

I wonder if the way war was done then and the fact that war was won by attrition carries any modern-day lessons for us in the situation that exists in Iraq and in Afghanistan. Clearly, it is not the total number of bodies that will be lost that will decide who wins or loses. In Iraq, no one will probably ever win. At some point, one side or the other will lose tolerance for losses. That is, the people, as happened in Vietnam, will no longer stand for the slaughter of our best because some general or some secretary of war decided a long time ago that a pre-emptive strike would do a wonderful thing to solve the Middle East problem.

In Afghanistan, we are now up to 42 or 45 casualties. Have we learned anything? Once again, the Europeans are happy to be in the battle and in the game, as long as they do not put their people at risk. Who is at risk? The colonials, again. It is weighing on our populace and it is starting to weigh very significantly on our soldiers. Some of our soldiers are actually brave enough to say, "Why is it always us that has to take the sharp edge?"

I will now ask my question. Because of his life and his experience, I want to ask Senator Dallaire whether he sees parallels here. Are there lessons that we should learn from the history that you obviously know so well and that we could bring to bear on the situation we and the U.S. are facing right now?

Senator Dallaire: I thank the honourable senator for his question. I will try to do what my marine corp friends have taught me — that is, power talk, be succinct.

The American Civil War, although not so much in trenches, saw the slaughter of hundreds of thousands of troops in open areas clustered together in attrition warfare. World War I was a catastrophic use of human force against new machinery. Films like *All Quiet on the Western Front* and *Gallipoli* are excellent examples of that wastage.

One lesson was learned was by Mackenzie King, who, on April 6, 1939, interestingly enough, said that Canadians would no longer go in an expeditionary force to fight wars overseas. On September 10 of that same year, we were mobilizing 30,000 troops to cross, and by Christmas over 60,000 had already been overseas. Ultimately, one million Canadians — one fifth of the male population that could bear arms — were committed to this war.

World War II was the continuum of the classic warfare of attrition, but with more mechanization, although the scale was vast. It was a world war and the numbers were exceptionally high. The Europeans paid incredible prices. The French lost two

million in World War I and were substantially defeated outright in World War II.

In Korea, we put in 25,000 and lost about 600. However, the Cold War had us lined up in order to be prepared to absorb massive amounts of casualties. We had millions of troops in the field there. When we went to the Gulf War, one of the questions asked of the Canadian army was this: If we commit, what should it be? We said a division of 12,000. The second question was: How many casualties? Because we expected Saddam Hussein to use chemical warfare, we expected 8,000 casualties in just that operation. Subsequently, we only sent a couple hundred in a medical structure. We have moved in attrition warfare to different scales. In the Gulf War, we saw 600,000 allied forces, and about 135 were killed, of which nearly half were fratricide.

To be succinct, as we move into the new era, we are no longer in classic warfare of attrition where you have grand armies facing each other and beating each other up, with the population on the periphery. We saw only the American-led coalition in 2003 that had some of that. What we see now is war that is intrinsic to the civilian population. The population is now an instrument of war. The vast casualties in conflict now are in the civilian population.

One of the instruments to create power is horror, so you have massacres and genocide, and you have rape. Rape is now an instrument of war to create fear that gives the ability to control the vast populations. The numbers of actual soldiers now dying and injured in operations is infinitesimal, if I can use that term, relatively speaking to the era we speak of.

There are some lessons. One of the horrific lessons not being learned is that, if we have conflict because of extremism, and if that extremism is pushed to the extent where it does not believe in any of the laws of armed conflict, any of the humanitarian laws, then people will die. Right now, we are seeing hundreds of thousands of civilians dying because of non-military structures abusing all the possible elements of humanity to establish their power base and so on.

It is, to me, a great significance for a middle power like us to pay in dollars, in sweat, in fear, in blood, to be able to assist hundreds of thousands of other human beings who are now the prey of some of these irregular forces that exist in the world today.

Hon. Francis William Mahovlich: Honourable senators, I should like to bring to your attention that I was at Vimy Ridge and inspected the monument. I was part of the contingent that went to France to bring back the Unknown Soldier. I was honoured to do so.

• (1540)

When I inspected Vimy Ridge, I had not realized that when Adolf Hitler got to Vimy Ridge, burning everything sight, but he said, "Stop. Leave that alone."

I have yet to see a nicer monument commemorating a war than that of Vimy Ridge. I have been to Moscow and Washington, yet Vimy Ridge stands out in my mind.

The honourable senator mentioned that there was a drainage problem, I believe, that caused the limestone to wear down, and that they had to purchase new stone in Croatia. My parents are from Croatia, so that stood out in my mind.

The honourable senator told us that they purchased enough stone for more repairs in the future. Can he tell us whether that stone is stored in the area?

The Hon. the Speaker: This is the end of Senator Mahovlich's time. If you wish to ask Senator Mahovlich a question, you may do so.

Senator Dallaire: Would the honourable senator be interested in what we are doing to preserve the monument into the future?

Senator Di Nino: The answer is yes.

Senator Mahovlich: Yes.

Senator Dallaire: Thank you very much. The quarry from which the limestone comes was a battle zone during the last conflict in ex-Yugoslavia. The quarry, as we looked at it, was starting to run out of that same stone, which is a very pure stone. In order to get enough of it, you must order a lot to ensure that you get the slabs you need. It was decided then that, in order not to put the future at risk, we would quarry enough for an equivalent restoration in the future. That material is being warehoused — I do not know exactly where — but we will be warehousing it as part of this project because there is just enough money to do it.

If I may, because of your statement, I wish to respond to the fact that it is of enormous significance to me that, in the second inauguration, Veterans Canada relaunch Vimy Ridge inside this country. It is way over there. There must be a way to bring Vimy Ridge alive in this country, to make it one of those components of our history that is alive, and shows that we are prepared to make sacrifices, even terrible ones, in order to advance human rights and the future of democracy.

The Hon. the Speaker: Are there further questions or comments on Senator Mahovlich's statement? Is there further debate on this inquiry?

On motion of Senator Banks, debate adjourned.

[Translation]

OFFICIAL LANGUAGES

COMMITTEE AUTHORIZED TO MEET DURING ADJOURNMENT OF THE SENATE

Hon. Maria Chaput, pursuant to notice of October 24, 2006, moved:

That, pursuant to rule 95(3)(a), the Standing Senate Committee on Official Languages be authorized to meet on November 14 and 15, 2006, even though the Senate may then be adjourned for a period exceeding one week.

Hon. Joan Fraser (Deputy Leader of the Opposition): I have a question for the committee chair.

Why does the committee wish to sit during a period of adjournment? Were the budgetary aspects not already approved by the Senate?

Senator Chaput: Honourable senators, the Official Languages Committee was strongly encouraged to travel together during the break, given that our colleagues from the other party are fewer in numbers. We were strongly encouraged to travel during the break. This was planned in the approved budget. We must travel to Vancouver to address two main issues: the relocation of the tourism offices and the use of French at the Olympics.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

The Senate adjourned until Thursday, October 26, 2006, at 1:30 p.m.

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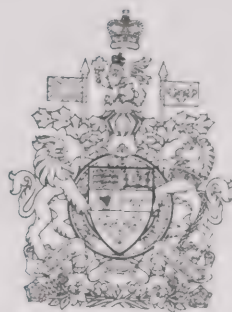
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(HANSARD)

Thursday, October 26, 2006



THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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THE SENATE

Thursday, October 26, 2006

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

THE CHARTER OF RIGHTS AND FREEDOMS

Hon. Serge Joyal: Honourable senators, last week, I drew your attention to a recent decision of the Superior Court of Ontario that declared null and void two sections of the Canada Elections Act, namely, those dealing with the financing limitations imposed on small parties, as being contrary to sections 3 and 15 of the Charter of Rights and Freedoms. I underlined that the bill that introduced those limitations, Bill C-24, had been certified by the Department of Justice and that, in the past, two similar bills dealing with the Elections Act had been declared contrary to the Charter.

Last Thursday, October 19, section 4 of the Security of Information Act included in the anti-terrorism bill, Bill C-36, was declared by Justice L.D. Ratushny of the Ontario Superior Court to be contrary to section 7 and section 2(b) of the Charter of Rights and Freedoms. Section 4 of the Security of Information Act was found "to be so vague and broadly worded that in fact the government could use it to arbitrarily protect whatever information it chooses." Honourable senators will remember that this case dealt with the search and seizure that the RCMP conducted at the home of Juliet O'Neill, an *Ottawa Citizen* reporter.

When the Senate was asked to consider the draft of the Anti-Terrorism Act in the fall of 2001, some senators on both sides of the chamber expressed concern over the implications of the bill on human rights and freedom. Senator Kinsella introduced an amendment to ask the special committee "in its examination to explore the protection of human rights and civil liberties on the application of the act."

• (1335)

In speaking on that motion, I personally stated that, with this bill, we were close to crossing, as the French expression states, "le Rubicon des droits et libertés," the Rubicon of rights and freedoms, and that we need a monitoring capacity over the police who were given such broad powers. We know now, through Justice Rutherford, that in fact we have already crossed the Rubicon of rights and freedoms with the anti-terrorism bill. In fact, we have crossed it at least twice.

This week, on Tuesday, October 24, another decision, this time by Justice Ratushny of the Ontario Superior Court, declared null and void and contrary to section 2(b) of the Charter the very definition of "terrorism" that linked it to political, religious and ideological beliefs. The court stated that allowing it to stand would "promote fear and suspicion of targeted political and religious groups, and would result in racial and ethnic profiling by government authorities at many levels."

Again, some senators on both sides of the chamber expressed a similar concern: Senator Jaffer, Senator Andreychuk and I, among others.

The court even referred specifically to the debate of the Special Committee at paragraphs 10, 13, 65, 76 and 86, on this very issue, and concluded that the element of the definition that refers to motives was contrary to the criminal law traditions of Canada.

Let us remember that the Department of Justice had certified the anti-terrorism bill as complying with the Charter.

Honourable senators, we have a duty to review the legislation and to seriously study its impact on the rights and freedoms of Canadians. Senate debates are useful to the courts when they need to address these serious issues. We should remain vigilant, honourable senators, and continue to do a sharp and vigorous study of the Charter's implications on bills that are submitted to us in haste and through pressure from public opinion. These three court decisions in less than 10 days that have found bills to fall short of Charter protection speak to that duty.

SPECIAL COMMITTEE ON SENATE REFORM

REPORT—CLARIFICATION

Hon. David Tkachuk: Honourable senators, I want to discuss with you what went on during my speech yesterday on Bill S-4. I want to make clear that until this morning I had not seen a copy of the report of the special committee that was studying the subject-matter of Bill S-4.

I participated in the meeting of that special committee last Thursday, but I left the meeting while it was still going on and had another senator take my place. The steering committee of that special committee was actually given the right to clear the report when we left last Thursday. However, the steering committee did not reveal the contents of the report to me, and certainly the deputy chair of that special committee, Senator Angus, did not.

While I can understand that Senator Carstairs, probably due to visions of previous Question Periods, might have been a little impulsive at calling a point of order, what I did not understand was why the chairman of that special committee, Senator Hays, supported her point of order, considering he knew full well that that was the way that the committee was left last Thursday. Unless the report was distributed earlier, I had not seen a copy.

I want to impress this message upon honourable senators, because senators on both sides know how much I have objected in the past to such leaks. I want honourable senators to read the report today so that they will understand what I am talking about.

I also know that, in the past, I have opposed and been extremely upset in this place whenever a report is leaked to the news media, or whenever a report has been presented to those

outside this place before we have seen it here. Something I have always been extremely proud of is that I have never leaked a report, nor talked to a media person about a report, before it was tabled in this chamber.

Some Hon. Senators: Hear, hear!

• (1340)

Senator Tkachuk: Senators who have been here during my tenure know that that is so. Therefore, I just wanted to clarify what happened.

Honourable senators know me: I am like a dog with a bone on these things. However, I do not want the majority opposite to abuse us poor senators on this side of the house any further by calling points of order while we are trying to make a speech on a political point.

STATE OF LITERACY

Hon. Joyce Fairbairn: Honourable senators, it has been about five weeks since we learned about the cuts for literacy, and I wanted to update you on a few things that are happening across the country, starting with the Yukon Literacy Coalition. That group will see a third of its budget cut and will most likely close the coalition down in three or four months.

The Northwest Territories has seen a third of its budget cut, and it is unable to conduct its outreach programs in that vast territory.

British Columbia will also lose a number of specific activities, particularly in shared learning for community literacy groups across the province.

Alberta has lost half of its funding. It, too, will be closing down the delivery of some of its programs that support practitioners, tutors and learners.

Saskatchewan is in immediate jeopardy of closing its doors. That means it will take down the system in Saskatchewan, which includes practitioner training, conferences and a toll-free number for people who want to learn.

Manitoba will lose about 80 per cent of its funding, and the closure of the coalition is destined for the spring of next year.

Ontario will be severely reducing the availability of its Aboriginal, francophone, deaf and anglophone adult literacy programs. Family support programs will be almost non-existent.

The English Literacy Alliance in Quebec faces closure, and the operating budget for the French part of its program will effectively be cut in half.

Nova Scotia funding for seven projects has ended, which will affect 6,000 Nova Scotians currently participating in literacy programs.

The Prince Edward Island Literacy Alliance, as we know from Senator Callbeck, is likely to close. That could happen also with the successful summer tutoring program for kids.

In Newfoundland and Labrador, the provincial body will only be able to survive on surpluses for five months. With it will go numerous programs, including the literacy hotline, the promotion of family literacy and its work and initiatives pertaining to workplace literacy.

In Nunavut, all of the training programs for adult educators and literacy practitioners are gone. Most of the training and support for community-based groups and organizations are on their way out. Finally, it appears that the resources to support the delivery of literacy programs to learners are gone, and the programming in Nunavut Arctic College is at risk.

THE LATE HONOURABLE HOWARD CHARLES GREEN

Hon. Hugh Segal: Honourable senators, I rise in my place today to pay tribute to the Honourable Howard Green, a distinguished servant of Canada in war and peace and an able, plain-spoken and loyal son of British Columbia. His name was mentioned in a question to the Minister of Public Works in the chamber yesterday.

Howard Green served with the 54th Kootenay Battalion in France in the First World War. Having seen the horror of war first-hand, he was a determined activist for disarmament as an MP for Vancouver Quadra for 24 years, and as the Rt. Hon. John Diefenbaker's Minister of Defence Production and External Affairs.

• (1345)

At a Geneva disarmament conference in July 1962, Mr. Green, speaking on behalf of all Canadians, said:

Mr. Chairman, all this testing is sheer madness — polluting the air that humans must breathe, endangering the lives of generations yet unborn, and possibly leading to the destruction of civilization.

His work, and that of Canada's Gen. E.L.M. Tommy Burns, whom Green brought back from the Middle East to work with UN colleagues on disarmament in Geneva, had a significant impact on the positive outcome that followed. Within the Diefenbaker cabinet he opposed the imposition of American nuclear tips on our Beaumark missiles in North Bay and La Macaza.

This is the loyal minister, soldier and public servant whom a federal building should be named after in Vancouver, British Columbia.

The reprehensible and unforgivable treatment of Japanese-Canadians during World War II is a blot on the conscience of all who lived in that era and supported those excesses. To focus the blot on one person decades after statements were made, which will be seen today as inappropriate, is both childish, contextually ahistorical and unfair. Are we to take the name of Mackenzie King off bridges and buildings across Canada? It was Mackenzie King who rounded up the Japanese-Canadians, not Howard Green.

On September 22, 1988, the Rt. Hon. Brian Mulroney, Prime Minister of Canada, extended in the Parliament of Canada an elaborate, well-deserved, deeply articulated, heartfelt and sincere apology to all Japanese-Canadians and their descendants. It was an historic day, as was the foundation established to make that apology a living reality in perpetuity.

The Government of Canada should be courteous and sensitive, as Senator Hays would want, to those of our fellow Canadians who are concerned about what was said in 1938, 68 years ago, but that is no reason to fail to name a federal building after the Honourable Howard Green, a Canadian, a soldier and a servant for all time.

GLOBAL CENTRE FOR PLURALISM

Hon. A. Raynell Andreychuk: Honourable senators, I rise to draw attention to, and commend Prime Minister Stephen Harper and his government for entering into a partnership with His Highness the Aga Khan to establish the new global centre for pluralism in Ottawa. With the official signing yesterday, this initiative has turned into a reality. The Sussex Drive landmark that was the former home of the Canadian War Museum will now become the new global centre for pluralism. As was noted by His Highness the Aga Khan, this symbolism should not go unnoticed.

The centre will promote pluralism internationally as a means to advance good governance, peace and human development. It will also support academic and professional development, provide advisory services and support research and learning in developed and developing countries.

The moving and eloquent addresses of Prime Minister Harper and His Highness the Aga Khan paid tribute to Canada's diversity and the strength of pluralism as a force for peace and tolerance. The Aga Khan very wisely said that the clash of civilizations is not inevitable despite an array of symptoms that might appear to suggest otherwise. He spoke of systems being rooted in human ignorance rather than in human character, and put forward the solution of the centre as one way of addressing this problem of ignorance.

The Shia Imami Ismaili Muslims, many of whom came to Canada in 1972, were present in the audience to hear their leader express admiration for Canada's multicultural policies and, in particular, pay tribute to their efforts and contributions to Canada and its pluralistic model. Two parliamentarians in particular who represented this community were Mr. Rahim Jaffer, who served as the master of ceremonies of the program yesterday, and Senator Mobina Jaffer.

The Prime Minister stated:

Pluralism is the principle that binds our diverse people together. It is elemental to our civil society and economic strength.

As parliamentarians, the new centre and its work should serve as a reminder to all parliamentarians to continue to support the cause of pluralism and to exercise Canada's global leadership in the same way by promoting peace and tolerance.

[Senator Segal]

I hope that all Canadians, in particular all honourable senators, will take the opportunity to read the full text of the comments of His Highness the Aga Khan and of the Prime Minister. They serve as templates on how to use diversity and pluralism to prosper as peaceful and tolerant societies.

• (1350)

[Translation]

NATIONAL HEALTH STRATEGY FOR MOTHERS AND INFANTS

Hon. Lucie Pépin: Honourable senators, the Society of Obstetricians and Gynaecologists of Canada, the SOGC, recently reviewed the health of Canadian mothers and children.

Many of us believe we have achieved full control over maternal and newborn care. That is not the case according to the SOGC. On the contrary, the organization says, "Canada is facing a crisis in obstetrical care."

[English]

The crisis that the SOGC is talking about can be seen in the OECD statistics for this year. In 1990, Canada's maternal mortality rate was the second lowest. In 2006, we dropped to eleventh place. Over the same period, we dropped from sixth place for infant mortality to twenty-first place. These figures show not only that our maternity care is declining in quality, but also that there are more women and babies who are not surviving pregnancy and delivery.

There are many reasons for this, but one of the main causes is a shortage of human resources. The dwindling number of obstetricians and gynecologists in practice and of general practitioners willing to deliver babies is currently posing a serious problem. The future is no more reassuring. Over the next five years, almost 30 per cent of our obstetricians and gynecologists will be retiring from full-time practice.

[Translation]

There is also a serious lack of services for mothers and babies in rural and remote communities. Women giving birth in those areas are increasingly at risk. Community hospitals in some remote communities have been closed, and there are no other options available. Pregnant women are often removed from their communities so they can have access to appropriate care while giving birth. Yet every Canadian woman, regardless of where she lives, should be able to give birth safely close to home.

The SOGC believes that major changes are needed to reset the bar. It recommends adopting a birthing strategy for Canada, a multi-faceted way to address obstetrical care shortages. This strategy would implement collaborative care models for prenatal and postnatal care and look at ways of providing optimal care in urban, remote, rural and aboriginal communities.

The national strategy proposed by the SOGC would give the provinces and territories a way to maximize their resources and develop solutions to meet their immediate needs.

The federal government must quickly take the initiative in developing a plan that supports pregnant women in Canada. We must not forget that there is no waiting list in obstetrics. Every pregnancy is urgent.

Honourable senators, I invite you to join the stakeholders in maternity and newborn care in urging our government to take the lead in improving the availability and quality of maternity care for Canadian women.

[English]

ROUTINE PROCEEDINGS

CONSTITUTION ACT, 1867

BILL TO AMEND—REPORT OF COMMITTEE ON SUBJECT MATTER TABLED

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I have the honour to table the first report of the Special Senate Committee on Senate Reform, which deals with the subject matter of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Hays, report placed on the Orders of the Day for consideration two days hence.

BILL TO AMEND—REPORT OF COMMITTEE ON MOTION TO AMEND PRESENTED

Hon. Daniel Hays (Leader of the Opposition), Chair of the Special Senate Committee on Senate Reform, presented the following report:

Thursday, October 26, 2006

The Special Senate Committee on Senate Reform has the honour to present its

SECOND REPORT

Your Committee, which was referred the motion to amend the Constitution of Canada (western regional representation in the Senate), has in obedience to the Order of Reference of Wednesday, June 28, 2006, examined the said motion and now reports the same without amendment.

Attached as an appendix to this report are the observations of your Committee on the motion to amend the Constitution of Canada.

Respectfully submitted,

DANIEL HAYS
Chair

(For text of observations, see today's Journals of the Senate, p. 565.)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Hays, report placed on the Orders of the Day for consideration two days hence.

• (1355)

[Translation]

STUDY ON TELECOMMUNICATIONS AND RADIO APPARATUS FEE PROPOSAL

REPORT OF TRANSPORT AND COMMUNICATIONS COMMITTEE PRESENTED

Hon. Lise Bacon, Chair of the Standing Senate Committee on Transport and Communications, presented the following report:

Wednesday, October 25, 2006

The Standing Senate Committee on Transport and Communications has the honour to present its

FIFTH REPORT

Your Committee, to which was referred the document entitled "New Fees for Services Provided by Industry Canada Relating to Telecommunications and Radio Apparatus," has, in obedience to the Order of Reference of Tuesday, September 26, 2006, examined the proposed changes to existing user fees and, in accordance with section 5 of the *User Fees Act*, recommends that they be approved.

Your Committee notes that this is the first time that this process has been used since the adoption of the *User Fees Act*, and recognizes that it provides important improvements in transparency.

Your Committee further notes that these proposals were reductions to existing user fees, resulting from improved efficiencies. It is hoped that future proposals will be in the same vein.

Respectfully submitted,

LISE BACON
Chair

The Hon. the Speaker: When shall this report be taken into consideration?

On motion of Senator Bacon, report placed on Orders of the Day for consideration at the next sitting of the Senate.

[English]

SCRUTINY OF REGULATIONS

THIRD REPORT OF JOINT COMMITTEE TABLED

Hon. J. Trevor Eyton: Honourable senators, I have the honour to table the third report of the Standing Joint Committee of the Senate and the House of Commons for the Scrutiny of Regulations, which deals with tabling of statutory instruments.

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

On motion of Senator Eyton, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

CANADA-UNITED STATES INTER-PARLIAMENTARY GROUP

SOUTHERN GOVERNORS' ASSOCIATION ANNUAL MEETING, JULY 15-17, 2006—REPORT TABLED

Hon. Jeremiah S. Grafstein: Honourable senators, pursuant to rule 23(6), I have the honour to table in the Senate in both official languages the report of the Canadian delegation to the Canada-United States Inter-Parliamentary Group respecting its participation at the Southern Governors' Association 2006 annual meeting held in New Orleans, Louisiana, from July 15 to 17, 2006.

WESTERN GOVERNORS' ASSOCIATION 2006 ANNUAL MEETING, JUNE 11-13, 2006—REPORT TABLED

Hon. Jeremiah S. Grafstein: With your indulgence, honourable senators, pursuant to rule 23(6), I have the honour to table in the Senate in both official languages the report of the Canadian delegation to the Canada-United States Inter-Parliamentary Group respecting its participation at the 2006 annual meeting of the Western Governors' Association, held in Sedona, Arizona, from June 11 to 13, 2006.

• (1400)

INAPPROPRIATE USE OF OBSERVATIONS ACCOMPANYING COMMITTEE REPORTS

NOTICE OF INQUIRY

Hon. A. Raynell Andreychuk: Honourable senators, I give notice that two days hence, I will call the attention of the Senate to the inappropriate use of observations accompanying committee reports.

HERITAGE

PRAIRIE GIANT: THE TOMMY DOUGLAS STORY— PRESENTATION OF PETITION

Hon. Robert W. Peterson: Honourable senators, I have the honour to present a petition from residents of Saskatchewan concerning the inaccurate portrayal of the Rt. Hon. Jimmy Gardiner in the CBC film *Prairie Giant: The Tommy Douglas Story*.

QUESTION PERIOD

TREASURY BOARD

PROPOSED FEDERAL ACCOUNTABILITY ACT— GOVERNMENT POSITION ON AMENDMENTS

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, my question is to the Leader of the Government in the Senate, who serves this chamber and works very hard not only as the government's representative, but also as the Senate's representative at the cabinet table. It is in that capacity that I direct these comments and questions to her today.

The work on Bill C-2 has been finished by the Standing Senate Committee on Legal and Constitutional Affairs. The house awaits the tabling of the committee's report later this day. The government has responded harshly to amendments that the public has been made aware of. For example, there is an amendment in respect of the application of the Access to Information Act to the Canadian Wheat Board, something for which the government claims credit, but it was in fact the New Democratic Party in the other place that moved to include the Canadian Wheat Board as being subject to the Access to Information Act. Witnesses from the CWB appeared before the Legal Committee and testified that if the CWB were subject to the Access to Information Act, it could not compete effectively in international markets with grain companies that do not have to disclose pricing and other information. That is why the amendment was made.

In respect of clauses in Bill C-2 on political contributions, Mr. Jean-Pierre Kingsley, the Chief Electoral Officer, stated before the Legal Committee with virtual certainty that convention fees can be receipted and, accordingly, are to be made public. The Legal Committee clarified that matter, in part, by increasing the amount of contributions allowed so as to remedy that problem.

My point to the minister is that the house must engage on these issues. This side would like to hear answers from the government to the questions on the policy matter that motivated the changes made by the Standing Senate Committee on Legal and Constitutional Affairs to the bill, keeping in mind that a response is not requested only because we are senators.

Could the Leader of the Government help this side by encouraging and causing the government to join the issue on a policy basis in respect of these two matters, rather than help simply because we are senators?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, on the matter of the Canadian Wheat Board being subject to the Access to Information Act, my honourable friend is correct. When the federal accountability bill was before the House of Commons, an amendment was moved by the NDP in this regard. However, the relevant issue of Bill C-2 was this was part of the package sent to the Senate from the House of Commons without a single voice in opposition. All parties voted for the bill.

• (1405)

That is what the public, the Prime Minister and the government were responding to. The deliberations of the committee are public. As such, we, the government, are interested in what happens to our first real piece of proposed legislation — proposed legislation that is so important, not only to the government, but also to the Canadian public.

We all know what spawned the need for the federal accountability bill. I can only say that, when the bill is before the Senate, we will obviously be debating it here, and we will send it back to the House of Commons — soon, I would hope.

The question of political donations did take up some time in the committee. There is a difference of view, a philosophical difference, regarding the use of tax receipts for political conventions.

However, one of the interesting things that did come out of the testimony at the committee was that, according to one of the senators from the other side, tax receipts are issued for monies that are paid into the caucus fund. That, of course, is something that is quite improper. It is no wonder there was some concern that one would not be able to attend the convention, if one was, in fact, running receipts for buying coffee, doughnuts and lunches through the Liberal Party's fundraising arm and having the taxpayers subsidize personal expenses within a caucus.

Senator Hays: I thank the minister for her extended comment, but the point still rests. We should be engaging on the merits of this matter.

In the case of the Canadian Wheat Board, I did not hear a proper or a satisfactory response to the problem the wheat board has in the international competitive market it operates in. I think we must engage on that.

In terms of political contributions, the same comment applies. My example was not caucus funds; I am not sure how caucus funds are treated. I suppose that goes into the detail of the proposed act.

However, I am sure that the Chief Electoral Officer said that fees to attend political conventions can be receipted. I think that is for the very good reason that otherwise there would be a loophole. If receipts cannot be issued for fees, they are not made public — and they involve large amounts of money. The Senate committee remedied that problem.

Again, I think we need to engage at that level on these issues. The Prime Minister said earlier today that this is simply an anti-democratic decision; it is not.

Perhaps the minister can explain what is anti-democratic about the Senate? It is an appointed body, but it is totally within the context of the Canadian Constitution. It has amended bills before.

We need to engage on the issues that are before us, not on whether we are senators or whether we are Liberals or Conservatives. Can the minister help us with the government on that count?

Senator LeBreton: With regard to the Canadian Wheat Board, we have some philosophical differences. As the honourable senator knows, we campaigned on marketing choice.

I do not believe any agency that uses public funds should be beyond the ability of the taxpayers — who, after all, pay for these agencies — to know what is happening with their money.

With regard to the political donations and the funding of conventions, we have a serious philosophical difference. We do not believe that the taxpayer should be subsidizing political functions. A tax receipt is fine if it turns into a fundraising event, but we do not believe that the taxpayer should be subsidizing party meetings and functions.

FUNDING FOR LITERACY PROGRAMS

Hon. Marilyn Trenholme Counsell: Honourable senators, I rise to continue the dialogue, if you will, and the questioning regarding literacy.

Last week, while I was at home in New Brunswick, "literacy" made the front page of our little local newspaper. In the *Sackville Tribune-Post* of September 18, a front-page headline read as follows: "Literacy initiatives being cut in Tantramar region." This is a story, as we know, right across Canada.

• (1410)

On Monday, I went to the annual meeting of the Literacy Coalition of New Brunswick, and they are devastated. I have also had several conversations with the Fédération de l'alphabétisation, our French counterparts in the province. These two organizations presently receive annual operational grants from the federal government. The Literacy Coalition of New Brunswick receives \$75,000 a year and the Fédération de l'alphabétisation receives \$22,500. They will not receive those payments under the present changes, with the cuts of \$17.2 million over two years in the new budget of our government.

I also read, of course, that there is a huge surplus this year; much bigger than expected. I understand that that surplus is over \$6 billion in the first five months of the year. I did a few calculations — I am not good at math — but if you take the \$17.2 million and extrapolate that over 12 months, it represents just one tenth of 1 per cent of this surplus. If you take it over two years, since presumably the cut is over two years, it represents just 0.05 per cent of the actual expected surplus. It is really so little.

Honourable senators, I could read lists of beautiful projects. These are beautiful little projects, like story wagons and helping parents read to their children, all in the two languages of New Brunswick. These people are hurt. The budget is only \$75,000 for the office of the New Brunswick Coalition of Literacy. I have been in their office many times. There is one full-time member of staff and one part-time person. They pay the rent and they have a phone. It is bare in that office but there is nothing bare in their souls and hearts.

I would like to ask the Leader of the Government in the Senate if she would take this matter back to our Prime Minister and to her cabinet colleagues with a view to discussing it again to see whether this tiny bit of money can be found in the surplus.

Senator Fox: Bring it back.

Hon. Marjory LeBreton (Leader of the Government): I hasten to say that math was my worst subject in school, so I will not challenge the honourable senator's math.

Under the savings that were found, no agreements were cut. It was clear on the part of the government that we were not cutting existing programs. There was a matter of the provincial and federal governments falling over each other, in many respects, and delivering programs or getting in each other's way.

Honourable senators, as a result of some questions raised by Senator Fairbairn and her statement today, I have already asked the department to check into this matter. The Honourable Senator Trenholme Counsel is saying that the people involved in these programs have been notified that their funding has been cut. I am asking for proof of that. I am asking for someone to produce a letter that a literacy program can no longer function because the funding has been cut.

As I said to Senator Fairbairn in another answer, I really do believe that, with the amount of money that we are setting aside for literacy and skills training, in addition to the money being spent by all the other departments, I do not believe that literacy programs in this country, nor the people who require help and teaching, will suffer as a result of these savings. I am sure that once the misrepresentations and misunderstanding about this matter have been cleared away, that literacy programs will be very well funded, because \$81 million is a great deal of money to be directed toward this venture, in addition to the money being spent in other departments.

• (1415)

Senator Trenholme Counsel: Honourable senators, perhaps programs that appear on some lists in the federal government will not be cut. The literacy coalitions, where there are people working in this village and that village, and this town and that town, in the various provinces, bring these people together several times a year to information share. Without the coalitions linking it all together, much would be lost. The Literacy Coalition of New Brunswick initiated 11 programs — some of which are fundraising campaigns for the programs. I can assure the honourable leader that much will be lost.

Honourable senators, we all need to come together. Yes, their programs will be funded — hopefully in New Brunswick to the tune of \$517,000 per year. Nevertheless, if the coalition and la *fédération* are lost, there will not be an organization that will bring people together several times a year to share, to grow and to participate in this program. I am not sure whether they received a letter, but they know where their funding came from, namely, the National Literacy Secretariat, and it is their understanding that this funding has been cut.

Can the Leader of the Government in the Senate help us to reach an understanding of what literacy levels mean in Canada? I have some figures regarding adult literacy from la *Fédération d'alphabétisation du Nouveau-Brunswick* — figures that come from an OECD study and from Human Resources and Social Development.

Honourable senators, in Canada, 52 per cent of Canadian francophones are below level 3; that is, they have level 1 or level 2. I can tell honourable senators what level 3 is, should they wish me to do so. These people do not have strong enough language skills to function. Sadly, 61 per cent of New Brunswick francophones are below level 3. They have either level 1 or level 2. For anglophones in the adult population in Canada, the figure is 38 per cent, and 47 per cent of New Brunswick's anglophones. In the country as a whole, this translates into millions, and I know that that question was asked.

I would ask the Leader of the Government in the Senate to take these figures to heart and to her cabinet so that the grave situation with regard to adult illiteracy is understood and so that it is understood that we need everyone working together.

Senator LeBreton: Honourable senators, there is no question that the level of literacy and skills training are not as they should be in Canada. As I think the debate has shown, this is something that has been with us for quite a few decades.

When the honourable senator talks about the various groups that work together in the community, I still have difficulty understanding why \$81 million and cooperation between the federal government and the provincial and territorial governments, will, somehow, create a situation where those people cannot and will not continue to work to advance the cause of literacy. I have difficulty getting my head around this. Nevertheless, as a result of previous questions, I am trying to find out exact details as to whether any letters have come out on these programs.

FUNDING FOR SOCIAL PROGRAMS— GOVERNMENT SURPLUSES

Hon. Jim Munson: Honourable senators, my question is to the Leader of the Government in the Senate. You eliminated the Aboriginal smoking cessation program, but you will reduce smoking rates. Her government eliminated funding for palliative care, but they say they will still deliver programs. Her government eliminated literacy funding, but they say that somehow Canadians will become more literate.

• (1420)

What kind of Pollyanna world does the government live in? What kind of magical mystery tour is the government on?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, the fact is that we did not eliminate any programs; we found savings. The previous government set up the smoking cessation program, and Health Canada officials and people working in the Department of Indian Affairs and Northern Development determined that it did not reach its goals and objectives. The billions of dollars that they are putting into First Nations and Inuit health will work in conjunction with other programs in dealing with the health of Aboriginal Canadians.

We have not cut any programs in palliative care. Furthermore, we are putting \$81 million into literacy. We are simply trying to create a situation whereby the federal, provincial and territorial governments can work with a significant amount of money to deliver programs for literacy and skilled workers. It was very much part of our campaign commitment to work with the trades

and to increase the level of skilled workers in Canada because we have a shortage of skilled workers. Literacy is a very important matter for the government.

Senator Munson: We have all read the front pages of newspapers these past few days regarding the billion-dollar surplus, just like the Liberal government used to have. One would think that at this particular time the government could show its compassionate side. The money is there. It seems to be that every time we read the Treasury Board business from Mr. Baird or the finance business from Mr. Flaherty, it is always about value for money. Why is it not ever about value for people?

Senator LeBreton: These comments come from a former journalist who ended up being the director of communications to a prime minister and a government that drastically cut our health care system to the degree that we are still recovering from it.

An Hon. Senator: Shame!

Senator LeBreton: Minister Flaherty presented his first budget earlier this year and is committed to not having huge surpluses. As he pointed out the other day, we are only part way through the fiscal year and will be budgeting much more closely to what is actually required by government.

As Senator Segal and others here have reminded us, we are talking about the taxpayers' dollars. Perhaps if there are surpluses, we are collecting too much in taxes.

[Translation]

ELIMINATION OF COURT CHALLENGES PROGRAM

Hon. Claudette Tardif: Honourable senators, the Fédération des communautés francophones et acadienne announced today that it filed a petition yesterday with the Federal Court of Canada to declare null and void the government's decision to eliminate funding for the Court Challenges Program, because it believes that:

... the federal government's decision to stop funding the Court Challenges Program did not sufficiently take into account the impact on the development and vitality of official language minority communities, nor the government's commitments to linguistic minorities under the *Canadian Charter of Rights and Freedoms* and the *Official Languages Act*.

The claim filed by the Fédération des communautés francophones et acadienne du Canada was supported by the Fédération nationale des conseils scolaires francophones, the Fédération des associations de juristes d'expression française de common law, the Commission nationale des parents francophones and the Quebec Community Groups Network.

• (1425)

Honourable senators will recall that, on October 19, in response to a question, the minister stated that the government consulted many people during its expenditure review process.

Could the minister tell us if consultations were indeed carried out, who was consulted within the official language minority communities, and whether her government gave any thought to the impact that abolishing the Court Challenges Program might have on these communities?

[English]

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for her question. She has been reading from a release of an organization, and I would be very happy to receive a copy of that from her. The other day when she asked her question, I undertook to obtain information for her.

Off the top of my head, I cannot list all of the different groups with whom the government consulted because the cabinet committee that met over the summer took their advice primarily from the various departments when they were asked to go to the departments and find savings. Therefore, I do not have a list of people who were consulted, but if such a list can be made available I would be more than happy to share it with the honourable senator.

[Translation]

Senator Tardif: Honourable senators, with respect, those most directly concerned have not been consulted; otherwise, there would have been no petition filed with the Federal Court. I can also say that not only are official language minority communities weakened by that decision, but the strength of our nation's democracy is also affected.

[English]

Senator LeBreton: As I said the other day — and I am not sure if there is a question there — I will attempt to obtain as much information as possible for the honourable senator on the subject.

HEALTH

PROPOSED CANADIAN MENTAL HEALTH COMMISSION

Hon. Jane Cordy: My question is for the Leader of the Government in the Senate. It has been almost one year since the release of the proposal of the Standing Senate Committee on Social Affairs, Science and Technology to establish a Canadian mental health commission, and almost nine months since the Conservatives formed the government.

Could the Leader of the Government in the Senate tell this chamber if and when this government plans to establish a Canadian mental health commission?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for her question. I commend her for the valuable work that she has completed on this study, and as a member of the Standing Senate Committee on Social Affairs, Science and Technology.

While running in the last election campaign, the government committed itself to this particular initiative. Indeed, Minister Clement has been in meetings and discussions with the provinces in this regard.

The proposed initiative will require a considerable amount of money. I am quite certain that Minister Clement, while preparing his budgets for the upcoming year, is very much seized of the matter. I am supportive of having this initiative go forward because it is of high importance to many Canadians.

Some Hon. Senators: Hear, hear!

Senator Cordy: I thank the minister for her answer. The committee, as she knows, has spent hundreds of hours meeting with mental health stakeholders from every province and territory. All the provincial and territorial leaders are in favour of establishing a Canadian mental health commission.

As stated earlier, Minister Clement has said that he is personally in favour of the establishment of such a commission. I know that the Leader of the Government in the Senate is in favour of that as well. Those of us fortunate enough to attend the luncheon during Mental Illness Week know that the people present were most anxious for this commission to be set up.

• (1430)

Recently, the Parliamentary Secretary to the Minister of Health appeared before our committee. When asked about the commission he said that consultations need to occur and appropriate action will be taken when the time comes.

With all the consultations that have already taken place, I am wondering what new consultations are required before the establishment of the commission. Why has it taken so long to begin these consultations? When will this government take action, the right action, and establish this commission?

Senator LeBreton: Honourable senators, I thank Senator Cordy for her question.

I was not made aware of the testimony of the parliamentary secretary. However, I can assure the honourable senator that the Minister of Health, Minister Clement, has had, and is continuing to have, consultations. There is no question that the government, and in particular the Minister of Health, are very much aware of the serious consequences of mental health, not only to Canadians and their families, but also to the Canadian economy.

I will undertake to impress upon Minister Clement my own views, of which the honourable senator is very much aware, being that this affects my own family presently. I hope to have a very positive response. I will use the honourable senator's questions to further my arguments to my colleague in cabinet.

The Hon. the Speaker: Honourable senators, the time for Question Period has expired.

[Translation]

ANSWER TO ORDER PAPER QUESTION TABLED

PRIVY COUNCIL— GOVERNOR-IN-COUNCIL APPOINTMENTS

Hon. Gerald J. Comeau (Deputy Leader of the Government) tabled the answer to Question No. 2 on the Order Paper—by Senator Downe.

[Senator LeBreton]

DELAYED ANSWERS TO ORAL QUESTIONS

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour of presenting delayed answers to two oral questions raised in the Senate. The first response is to a question raised in the Senate by the Honourable Senator Ringuette on May 11, 2006, in regard to the softwood lumber agreement—research and development in the forestry industry. The second response is to a question raised in the Senate by the Honourable Senator Austin on June 20, 2006, in regard to the softwood lumber agreement.

NATURAL RESOURCES

SOFTWOOD LUMBER AGREEMENT—RESEARCH AND DEVELOPMENT IN FORESTRY INDUSTRY

(Response to question raised by Hon. Pierrette Ringuette on May 11, 2006)

With respect to assistance to the forestry industry, the federal budget provides \$400 million over two years to combat the pine beetle infestation, strengthen the long-term competitiveness of the forestry sector and support worker adjustment. It also called for an acceleration of the capital cost allowance for forestry bioenergy.

Through a variety of federal programs to support worker and community adjustment, promote new markets, and facilitate innovation in the industry, the Government of Canada has been supportive of the forest industry. Since 2002, the government has made available \$531.5 million in federal assistance to forestry workers, communities and industries.

In addition, the Softwood Lumber Agreement signed in Ottawa on September 12, 2006 eliminates punitive U.S. duties, returns more than US \$4.4 billion to producers, provides stability for industry, and spells an end to this long-running dispute and the costly litigation. The return of more than US \$4.4 billion marks a significant infusion of capital for the industry and will benefit workers and communities across Canada.

Furthermore, the agreement ensures that lumber produced from logs harvested in the Atlantic Provinces — which are certified by the Maritime Lumber Bureau — will not be subject to border measures.

INTERNATIONAL TRADE

SOFTWOOD LUMBER AGREEMENT— PROGRESS OF NEGOTIATIONS

(Response to question raised by Hon. Jack Austin on June 20, 2006)

On April 27, the Prime Minister announced that Canada and the United States had reached an agreement in principle providing a basis for ending the longstanding softwood lumber dispute. Subsequently, on September 12, 2006, International Trade Minister David Emerson and U.S. Trade Representative Susan Schwab signed the 2006 Softwood Lumber Agreement in Ottawa.

One of the key issues for Canada was anti-circumvention. Anti-circumvention provisions are a standard feature of trade agreements. They are meant to ensure that neither party will take action to undermine commitments set out in the agreement.

The anti-circumvention provisions of this Agreement fully protect the right of Canada's provinces to manage their forest resources and grandfather current provincial forest management policies. They also contain a full exemption for British Columbia's Market Pricing System. Provinces can continue to undertake forest management policy reforms, including updates and modifications to their systems, actions or programs for environmental protection, and provide compensation to First Nations to address claims.

The Agreement further provides a limit on the export charge imposed on high value lumber products such as western red cedar lumber, which is primarily produced on the B.C. Coast. The province of B.C. may choose the border measure option that best addresses its economic and commercial situation. In addition, under the terms of the Agreement, independent Canadian lumber remanufacturers, the majority of which are located in B.C., will not pay an export charge on the value-added component of the lumber products they produce.

[English]

QUESTIONS OF PRIVILEGE

NOTICE REQUIREMENTS—SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, before proceeding to Orders of the Day, I wish to render the Speaker's ruling on a point of order relative to notice requirements for questions of privilege.

Honourable senators will recall that last Tuesday, during the time for Senators' Statements, Senator Stratton advised the Senate that he had decided not to proceed with the question of privilege he had raised on Thursday, October 19.

[Translation]

Honourable senators will recall that I had reserved my decision on Senator Fraser's point of order which touched on the adequacy of the notice in relation to the alleged breach of privilege claimed by Senator Stratton. This point of order remains outstanding.

Senator Stratton's decision with respect to forsaking his intention to pursue the question of privilege does not eliminate my obligation to deal with this point of order.

[English]

Let me briefly summarize elements of the exchanges raised last Thursday with respect to this point of order. Senator Fraser began by objecting that the notices given by Senator Stratton were inadequate because there was too little information about the substance of the privilege complaint. Based on this limited information, she maintained that no senator could know what the question of privilege was about. A number of senators also

contributed their views. For his part, Senator Comeau, while generally empathetic with Senator Fraser's position, explained that rule 43, as it is currently written, requires only that a senator give notice "without in any way having to provide the substance of the motion." The senator stated that the rules do not require more than a simple notice. Senator Cools echoed some of the arguments of Senator Fraser. According to Senator Cools, notice ensures that senators are not caught or taken by total surprise. As she explained, the notice should contain enough information to allow senators to prepare themselves should they want to speak on the question of privilege. Senator Austin was also of the view that the "disclosure of a general nature" of the question of privilege is necessary. Finally, Senator Banks, without taking a specific position, pointed to an apparent conflict between rule 43(1) and rule 59(10). I wish to thank all honourable senators who participated in the exchanges on this point of order.

[Translation]

Since the time when the point of order was first raised, I have taken the opportunity to study the rules, read the authorities and examine recent practices to inform myself as best I can about how rule 43 should be understood and applied. The specific issue at hand is whether Senator Stratton's written and oral notices were sufficient to satisfy the requirements of Rule 43.

[English]

In assessing the meaning of notice, which is central to the determination of this point of order, it is essential to look to the purpose of the particular notice required. I feel it appropriate to consider not just rule 43 but other Senate rules, as well as current practices that provide a better sense of what notice is meant to be and the purposes that it serves. Part VI of the *Rules of the Senate*, from rule 56 through 59, is all about notices. Not only do these rules identify the period of a notice, either one or two days when notice is required at all, but they also confirm that the content of the notice must be meaningful. For example, as rule 56(1) states:

When a Senator wishes to give notice of an inquiry or a substantive motion, the Senator shall reduce the notice to writing, sign it, read it during a sitting of the Senate ... and send it forthwith to the Clerk at the Table.

Similarly, rule 56(2) requires that a senator seeking to propose an inquiry shall "as part of the notice under this rule give notice that he will call the attention of the Senate to the matter to be inquired into." It is not adequate, as a notice, to state simply an intention to move a motion or to propose an inquiry. To suggest otherwise would seriously distort the meaning and intent of the notice. As an example, who would accept as adequate notice a senator's declaration to move a motion without any indication of its content, or to have a committee undertake a study without knowing what it was about? Notice must include some content indicating the subject being proposed for debate and decision.

[Translation]

The merit of this proposition is evident from any review of the authorities that are often used to guide the understanding of Senate procedures. Marleau-Montpetit's *House of Commons Procedure and Practice* at page 464, explains that the purpose of notice "is to provide Members and the House with some prior warning so that they are not called upon to consider a matter unexpectedly."

Motions for which notice is routinely required usually seek to solicit a decision of the Senate, either to order something be done or to express a judgment on a particular matter. Such motions are always subject to debate and the notice is required in order to allow parliamentarians to inform themselves of this upcoming debate and to prepare themselves should they wish to participate in the debate.

In a ruling of June 21, 1995, Speaker Molgat reiterated the explanation for notice:

[English]

The purpose of giving notice is to enable honourable senators to know what is coming so that they can have an opportunity to prepare. Why else would there be notice? They must have an opportunity to get themselves ready for the discussion. It is not meant to delay the work of the Senate. It is simply meant to bring order.

• (1440)

As to the specific notice requirements for a question of privilege, it must be stressed that the rules are somewhat different as to the process to be followed. As already noted, a senator seeking to raise a question of privilege must deliver a written notice to the Clerk's office three hours before a sitting in order to allow enough time to distribute it to all senators. In addition, the senator must provide oral notice during Senators' Statements. This double notice requirement reflects the importance to be accorded any claim to a question of privilege which a senator wishes to expedite under rule 43. In addition, the requirements were deliberately imposed in order to allow reasonable preparation for consideration of the question of privilege to be considered the same day. This, in fact, is the exceptional aspect of the notice. The written notice alerts senators of the possibility that a certain question of privilege may be brought to the attention of the Senate. The oral notice confirms that a senator intends to pursue the matter at the conclusion of business under Orders of the Day. This is why I feel that the proper reading of the rule demands that the notice be sufficiently explanatory and comprehensive. In other words, the notice must clearly identify the matter that will be raised as a question of privilege.

[Translation]

I have reviewed past notices since the inception of rule 43 in 1991. In all cases that I have seen, Senators had provided an indication of the claimed question of privilege. In one case, the Senator did not adequately indicate the nature of the question of the privilege in the oral notice, but the written notice was clear enough about the complaint and no point of order was raised to challenge the oral notice. In another example, I have discovered a situation where the written notice was not followed by the oral notice, presumably because the Senator had decided to abandon the matter as a question of privilege. In all other cases reviewed thus far, both notices indicated the subject of the complaint giving rise to the question of privilege.

In this particular case, neither the written nor the oral notice provided by Senator Stratton dealt with the subject matter of the question of privilege. They simply stated that the Senator was

going to raise a question involving, "a contempt of Parliament" that "constitutes an affront to the privileges of every senator and of this place". These notices were insufficient. Accordingly, the point of order raised by Senator Fraser is well founded and, therefore, it would not have been possible for Senator Stratton to proceed with his question of privilege under rule 43 based on the inadequate notice provided.

[English]

Before sitting down, I wish to deal with two other issues associated with this point of order. First, I want to refer to the attempt made by Senator Stratton to present his motion on the question of privilege at the close of last Thursday's sitting. The senator explained that he was doing this in accordance with rule 59(10), which allows for raising a question of privilege without notice. Senator Fraser immediately intervened to object to the proceeding and I then reminded the Senate of the fact that I had already reserved my decision, and that it would be out of order to proceed with the alleged question of privilege at this time.

[Translation]

When Senator Fraser spoke in objection to what Senator Stratton attempted to do, she explained that rule 59(10) was probably designed to deal with circumstances arising in the course of an actual sitting. As she said, "That is the only explanation I can find for the fact that rule 59(10) exists." As part of my investigation, I looked at the work on the rule changes made in 1991. Before those changes were adopted, there was no mechanism to raise a question of privilege on notice. The old rule simply provided that:

[English]

When a matter or question directly concerning the privileges of the Senate, of any committee thereof, or of any Senator, has arisen, a motion calling upon the Senate to take action thereon may be moved without notice and, until decided, shall, unless the debate be adjourned, suspend the consideration of other motions and of the Orders of the Day.

Rule 59(10) is clearly linked to this old rule that has been completely displaced by current rule 43. What I suspect happened is that in making the consequential changes to the rules, this particular change was not properly adjusted, either to delete it entirely or to modify it to explain under what conditions a question of privilege could be raised without notice. I suspect that this is one of perhaps several rules that remain inconsistent with other rules, or that are not easy to understand. It might be appropriate at some point to have the Standing Committee on Rules, Procedures and the Rights of Parliament look into this matter and clean up any of the anomalies and inconsistencies still in our rules.

While the Rules Committee is looking at that problem, it might also look at the second issue that I want to mention. Last Thursday, just after Senator Stratton gave oral notice during Senators' Statements, Senator Fraser sought to challenge the notice on a point of order. I responded by explaining that it was not possible to raise a point of order at that time. When I made this statement, I was working under the impression that Senators' Statements are part of the daily routine of business and that, in

[The Hon. the Speaker]

accordance with rule 23(1), points of order or questions of privilege are prohibited until we come to Orders of the Day. This, I think, is a view which is widely accepted and which appears to be reinforced by some of the language of our rules and operating documents, including the Order Paper. As I was preparing this decision, however, I looked more closely at the Rules of the Senate and I have come to a different position. Contrary to what I had previously believed, Senators' Statements are not, in fact, part of the daily routine of business. This is evident from a careful reading of rule 23(6). The fifteen minutes allocated to Senators' Statements are not part of the thirty minutes allowed for the routine of business, which begins with the Tabling of Documents and continues through Presentation of Petitions, and is called immediately prior to Question Period. My revised understanding as to the proper boundaries of the routine of business has been supported by a previous Speaker's ruling made December 11, 1997.

Nonetheless, I feel that some of the rules could be more clearly written and perhaps the Rules Committee might undertake to do this so as to reduce some of the confusion and misunderstanding that sometimes occurs. In this respect, I share some of the sentiments that were expressed by Senator Comeau and Senator Cools during the exchanges on this point of order last Thursday.

ORDERS OF THE DAY

FIRST NATIONS GOVERNMENT RECOGNITION BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator St. Germain, P.C., seconded by the Honourable Senator Segal, for the second reading of Bill S-216, providing for the Crown's recognition of self-governing First Nations of Canada.—(*Honourable Senator Austin, P.C.*)

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, some of you will recall an exchange last week when Senator St. Germain was speaking with his usual passion about Aboriginal rights in general, and in response to a question from Senator Joyal, also spoke with passion about his bill.

Senator Prud'homme: We are all passionate here.

Senator Fraser: We are all passionate here, Senator Prud'homme is absolutely right. We have a great passion for the public interest of all Canadians.

Clearly, Senator St. Germain's bill is addressing an extraordinarily important and complex topic. Unfortunately, it has not yet had the full debate in this chamber that I hope it will have, and I expect most of the substance of that debate, or all of

the real substance of that debate, to come from senators far more knowledgeable than I about these matters. As you know, honourable senators, we have all been heavily burdened with considerations of other immediate matters, particularly matters of government business in recent weeks. I do not think that is an excuse for our failure to give Senator St. Germain's bill proper attention, but I do believe that it is an explanation for it.

Certainly, I would not wish any member of Canada's Aboriginal peoples to believe that we do not take seriously the matter of the recognition of self-governing First Nations of Canada. The devil is always in the details, and those details will, I assume, be examined in great detail when this bill reaches committee. In the meantime, it is my earnest hope that we can expect some knowledgeable contributions to this debate in this chamber. I look forward to those contributions.

I must say my own view of First Nations self-government is that it is long overdue. The only problem with the devil being in the details is that senators will need to know everything about the way in which the Indian Act works and the Constitution works.

I eagerly await, therefore, the continuation of this debate. The real reason I stood today was simply to offer assurance that, on our side, we do take these matters very seriously and do intend to give them very serious consideration.

Therefore, with your indulgence, honourable senators, I move the adjournment of the debate in the name of Senator Austin.

On motion of Senator Fraser, for Senator Austin, debate adjourned.

SCOUTS CANADA

PRIVATE BILL TO AMEND ACT OF INCORPORATION— SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Di Nino, seconded by the Honourable Senator Cochrane, for the second reading of Bill S-1001, respecting Scouts Canada.—(*Honourable Senator Banks*)

Hon. Tommy Banks: Honourable senators will remember that yesterday I apologized to Senator Di Nino for not having spoken on this bill prior to yesterday and promised that I would do so today, and I will.

I will not burden the debate on this bill at this point with details, but before the bill moves to committee for consideration, I want to place on the record that there are people within the Scouting movement in Canada who have reservations about this bill. Senators on this side have asked me about this as well. The bill is presented, perhaps fairly, as a matter of mere housekeeping, and it may well be, but there are those who are involved in the Scouting movement who think that that is not so.

Just briefly, to put on the record, I want to read to you some very small parts of letters that I received from Garth Fitsner, Ted Claxton, Dave Upham and Stan Barrie about this matter. This is so that you will know why I intend to send these letters to the

committee that receives this report, in the very earnest hope that the committee will take the time to hear from these people before it proceeds with its consideration otherwise of the bill.

The following are excerpts from these letters: "The lack of honest, open consultation in the changes to Scouting in Canada has led to the demise of numerous scout troops."

A further quotation: "Although it is asserted by our organization that this is a mere housekeeping bill, the legal effect of a repeal of the Boy Scouts of Canada Act and the substitution thereof of this bill as presented to the Senate will give a whole new mandate to the governance of our organization. The passage of the new bill in the form presented will effectively foreclose democratic participation in Scouts Canada by the membership and effectively grant to a narrow constituency control over the Scouting movement in Canada."

Honourable senators, we must remember that the Scouting movement in Canada is now a corporation, but it derives from a royal charter, which was its first form. That must be borne in mind.

A further quotation: "We assert that Scouts Canada is attempting to entrench an undemocratic system." I could go on.

I will satisfy myself with one remaining quotation: "Scouts Canada is an association which was granted corporate status by royal charter. The grant of corporate structure does not do away with the fundamentals of membership in an association. This is recognized in the Corporations Act, dealing with a corporation without share capital, such as this one, and in the Interpretation Act. In this case, Parliament is the ultimate authority."

That is true. That is why the act is before us.

In closing, I want to make two quotations from Lord Baden-Powell: The first says: "What we want is a broad-minded leadership rather than restrictive dictatorship. A democracy founded upon goodwill." He said that in 1921.

Lord Baden-Powell said: "Scouting is a game that is designed to create better citizens."

I believe this letter says that Bill S-1001 will work against that aim, and therefore urge the more careful consideration of honourable senators. I will send these names, addresses and letters to the committee that receives this bill for consideration, in the earnest hope that they will consult with these people to a reasonable extent and take their views into account.

The Hon. the Speaker: I will ask the house, are honourable senators ready for the question on second reading?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and bill read second time.

[Senator Banks]

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Comeau, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

• (1500)

[Translation]

NATIONAL DEFENCE ACT

MOTION CALLING UPON GOVERNMENT TO PROCLAIM SECTION 80 OF THE PUBLIC SAFETY ACT, 2002— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Segal, seconded by the Honourable Senator Di Nino,

That the Senate calls upon the Government of Canada:

- (a) to cause the bringing into force of section 80 of the *Public Safety Act, 2002*, Chapter 15 of the Statutes of Canada 2004, assented to on May 6, 2004, which amends the *National Defence Act* by adding a new Part VII dealing with the reinstatement in civil employment of officers and non-commissioned members of the reserve force;
- (b) to consult with the provincial governments as provided in paragraph 285.13(a) of the new Part VII with respect the implementation of that Part; and
- (c) to take appropriate measures in order for the provisions under the new Part VII to apply to all reservists who voluntarily participate in a military exercise or an overseas operation, and not to limit the provisions to those reservists who are called out on service in respect of an emergency.—(Honourable Senator Banks)

Hon. Roméo Antonius Dallaire: Honourable senators, it is with great interest that I rise today to speak to the motion of Senator Segal calling upon the Government of Canada to bring into force section 80 of the Public Safety Act, 2002, and to enact the provisions required to ensure the reinstatement in civil employment of all Canadian Forces reservists participating in operational duties.

As you all know, since my arrival in the Senate I have taken an interest in the health of our Canadian Forces, as do all of you, and I am a stalwart supporter of their rights, once again as are all of you. The Canadian Forces are quickly forgotten when the time comes to adopt social programs for the general population. They are treated differently than the civilian population, sometimes not as well.

Yet, they are the ones we can always count on to be there to defend the interests of our nation or promote world peace. They too deserve some benefits.

Honourable senators, the Honourable Senator Segal is proposing that we further improve conditions for our Canadian Forces, and our reserve forces — militia, naval reserve and air reserve — in particular. The reserve is made up of citizens who, in addition to their careers or studies, decide to give up some of their free time to train in the reserve and, eventually, be called upon, like their regular force counterparts, to participate in missions overseas to promote peace and human rights around the world.

Canada's reserve has been around for a very long time. It was established in 1855, and was combined with the regular force, established in 1871 and based at La Citadelle in Quebec City and Fort Frontenac in Kingston, to officially become the Canadian Forces' total force. Together, the reserve force and the regular force represent an essential component of the Canadian Forces, as an integral part of the "total force model", of the Canadian Forces as a whole. One cannot think of the regular force without thinking of the reserve force, whose primary role, according to the 1994 White Paper on Defence Policy, is "the augmentation, sustainment, and support of deployed forces". Still today, the reserve force plays a key role in missions Canada participates in.

Reservists — be they navy, army or air force — currently represent approximately 40 per cent of the Canadian Forces, for a total of 22,000 reservists out of the 52,330 available for deployment. During the operations in the Medak Pocket in the former Yugoslavia, a few years ago, 40 per cent of the troops involved in these warfare operations were reservists.

Since 1992, at least 20 per cent of the participants in all missions have been reservists deployed with the regular forces in various theatres of operation, including humanitarian disasters and war.

Since 2000, more than 4,000 reservists have been deployed in missions in Afghanistan, Bosnia, Croatia, Rwanda, Haiti and Somalia.

Even today, 15 per cent of the 2,500 troops in Afghanistan are reservists.

I would like to discuss this issue briefly so we all understand how the role of our reservists has changed over time and the major role they will be asked to play in the years to come.

Since the end of the Cold War, Canadian Forces missions have changed significantly. We have witnessed and continue to witness a sea change in international military intervention. Canada, known for having created the concept of peacekeeping in 1956 under Lester B. Pearson, became heavily involved in subsequent peacekeeping operations, such as in Cyprus, during the Gulf War, in Somalia, the Balkans, Rwanda and, most recently, Afghanistan.

Sadly, the Pearson peacekeeping era came to an end after the Cold War. Since the end of the 80s, we have seen a resurgence of intra-state conflicts — civil wars that have often ended in massacres and humanitarian disasters.

Given this new reality, the Canadian Forces have had to adapt. More and more frequently, our forces are finding themselves involved, not in cease-fire observation, but in dangerous missions where peace is not yet established and where we have to play a major role in putting an end to armed conflicts, as is the case in Afghanistan and, potentially, Darfur. We are now participating in missions to establish a certain degree of security, an atmosphere of security, human security.

The reserves are therefore playing a greater role in these complex new missions.

[English]

Moreover, within this new complex environment, the Government of Canada has committed itself to continue to play a role of leading middle power and to contribute to the building of world peace and security.

According to the 2006 budget, the current government's objective is to "expand the regular force to 75,000 personnel and add 10,000 reservists." This shows the significance that the reservists have in the new defence policy and the government's commitment to operations.

One of these measures that Minister O'Connor and Chief of Defence Staff General Hillier are considering is actually to rely more extensively on reservists, that is, increasing the percentage of reservists as part of the deployed forces overseas.

Undeniably, reservists are an essential component in overseas missions, and we will require more and more of them in the forthcoming years in those new peace and security missions.

Although a large proportion of reservists are students at the cégep and undergraduate levels, and even the odd one at the senior high school level, those with experience and qualifications to achieve non-commissioned ranks and junior officer ranks are often from the Canadian workforce.

Hiring 10,000 more reservists will not happen overnight. One of the ways to attract more civilians to the reserve force is to offer them what Senator Segal calls "peace of mind," that is, the assurance that, upon their return from voluntary service overseas, reservists know that the job they had before volunteering in the mission was maintained for them — in other words, to offer them job protection through way of legislation.

Such measures already exist in Canadian law but have not been brought into force by the Governor-in-Council. Section 80 of the Public Safety Act, 2002, which amends the National Defence Act by adding a new Part 7, deals with the reinstatement in civil employment of the reserve force members but only in the case of national emergency.

[Translation]

The National Defence Act was in fact amended in 2004, with the passing of the Public Safety Act of 2002, which was assented to on May 6, 2004. However, it seems that section 80 of the Public Safety Act, concerning protection for reservists' civilian jobs, was not proclaimed by the Governor-in-Council. The reasons given at the time were that section 80 would not be

proclaimed until the federal government had consulted the provincial governments. Much to my dismay, consultations with the provincial governments have made no real progress.

In other words, this measure, which was intended to protect the employment of reservists while they are on a tour of duty, is still not in force two years later.

Furthermore, there is another problem involving section 80. As defined in subsection 1 of part 7 of the Public Safety Act, if adopted, the reinstatement of civilian jobs for reservists will apply only in cases where a member of the reserve force is compulsorily called out in a national emergency. Section 2 of the National Defence Act defines an emergency as "an insurrection, riot, invasion, armed conflict or war".

However, it has been at least 60 years since any members of the reserve force have been compulsorily called because of an emergency, that is, since the Second World War. Accordingly, even if it were to come into effect, this section would almost never apply.

We must bear in mind that this section was conceived in the aftermath of September 11, 2001, in order to respond to any potential terrorist threats on our territory. Such a threat could indeed give rise to a state of emergency and a compulsory call for our reserve forces.

• (1510)

That is not the case for Canada's participation in a peace or stabilization mission such as that in Afghanistan or elsewhere in the world. A state of emergency could only be declared if Canada were directly threatened. Consequently, of what use is it to offer job protection to reservists called out to deal with national emergencies, which are very unlikely to occur? Why not offer this job protection to those who participate in overseas missions?

That is what is being proposed by Senator Segal. He is proposing that the Government of Canada amend section 80 of the Public Safety Act so that it applies at all times to all reservists who voluntarily participate in these new high-risk missions, whether or not they constitute a national emergency.

[English]

Some will argue that it is the role of the Canadian Forces Liaison Council to promote the work that they are doing for Canadian reservists in order for employers to voluntarily accept to maintain the employment of reservists. This council is made up of presidents and CEOs of several prominent firms and companies. Most volunteer their time to advance the case of special employment of reservists. In that sense, the council has done some extraordinary work in bringing to the attention of the employers the role of the reservists.

However, much is still missing. The council mediates more than 100 issues a year between reservists and their employers. It is a sort of ombudsman role for job protection versus an instrument for job security. Clearly, the liaison council is a great institution for the promotion of reservists' rights, but it is far too limited in scope and executive power to actually implement, support and ultimately protect. The council does not have the power to bind

employers to maintain the job of a reservist. It is completely voluntary and, therefore, many employers choose not to comply with the recommendations.

Despite some concerns that having such legislation might create discrimination when it comes to hiring reservists, the third major report of the Standing Senate Committee on National Security and Defence, which was released a few weeks ago and was just sent back to the committee, concluded that there is an eventual deficiency here in the protection for reservists' employment.

The report states:

If the reserve really is part of the total force, and if, as the Chief of the Defence Staff has stated, the aim is to have all members of the Canadian Forces available for overseas deployment, the committee believes that fundamental changes must be considered to the way the reserves function. Some of those changes might include:

If reservists are required to serve if called out, then some sort of job protection is essential. It would be the task of the government to ensure job protection for all reservists who are called out to support their country.

In its recommendations, the committee was also clear. It recommends:

That the government redefines the terms and conditions of service for reserves taking these views into account.

[Translation]

I would like to close by mentioning that Canada would not be the only country to provide this type of job security for its reservists.

Similar measures have been in force in Australia, the United States and the United Kingdom for several years and require employers to keep jobs open for reservists sent overseas to serve their country.

In Australia the law is particularly strict in that it establishes fines for employers who attempt to fire reservists upon their return or who are found guilty of hiring practices that discriminate against reservists. However, employers also receive tax benefits while the reservist is on duty, which represents the advantage of the practice.

This is one example that shows that we are not the only ones asking these fundamental questions about the future employment and security of our reservists. Even the Minister of Defence, the former General O'Connor, is presently studying models of employment security for reservists adopted elsewhere in the world in order to deal with the growing concerns of members of the reserves.

Our troops always volunteered to serve their country. Conscription, which was used toward the end of the Second World War, was a painful exception that tore our country apart. Nevertheless, it is important to point out that no Second World War conscripts, who were cruelly labelled zombies at the time, served overseas. They all served on Canadian soil, allowing the volunteers to serve in Europe.

[Senator Dallaire]

Enlistment became voluntary and recruitment of regular forces more complex and more competitive with time. Our recruits are brave men and women — increasingly, women — who, in addition to working or going to school, are enrolling voluntarily and risking their lives or even their future, if they are injured, in order to take part in these new missions to safeguard human rights, democracy and gender equality in countries that are imploding.

Canada has to wake up, recognize the new reality facing the Canadian Forces and adjust its needs and the need for these people accordingly. I urge you, honourable senators, to pass this motion.

[English]

Hon. Senators: Hear, hear!

The Hon. the Speaker: Are honourable senators ready for the question?

It is moved by the Honourable Senator Banks —

Hon. Tommy Banks: Not adjourn, continue.

The Hon. the Speaker: You wish to speak now?

Senator Banks: I noticed from Your Honour's having risen that I think Senator Dallaire had used up his time. In light of Your Honour's admonition yesterday, I am not suggesting that Senator Dallaire answer questions. Before I say anything, I want to make it clear that the senator is right. The important contributions that are made to Canada's military efforts in all respects by members of the reserve are immeasurable. We could not be doing with the Canadian Forces the things we now do without the active participation of the reserve forces.

If I understand the thrust of Senator Segal's motion, it is to provide protection to those people who go on active service with the reserves, whether to fight a forest fire or to fight in Afghanistan, or wherever else, so that when they return from having done that duty, their job is still there for them. On the face of it, that is a perfectly reasonable proposition. As it applies to those members of the reserves who go on to active duty, there is no doubting it is right. On the face of it, there is no doubt about the unfairness of a situation where someone goes to do their duty and places their lives in danger for their country, and then comes back and finds out that they no longer have a job waiting for them. On the face of it, that seems to be unreasonable.

As Senator Dallaire noted, there are reserves and there are reserves. There are reserves that can be called up, the A-list, which is comprised of people who were in the regular forces and are now in the reserve force. They can be called into action. However, there is another, larger group of the reserves who are volunteers. They receive the pay and become trained to a certain level, but when the call comes they can say no. I know that is a very sensitive point. I want to call honourable senators' attention to that part of the present report to which Senator Dallaire referred. There was a condition precedent for that job protection. Equality of pay is also referred to in that report.

• (1520)

The condition precedent is that when a volunteer joins the reserve forces, she or he should join with the expectation that

when they have reached the required level of training and capacity, they are susceptible to being called into active service, having accepted — to use the old term — the Queen's farthing.

The rude question we addressed in the report is: If that is not so, then why are we investing significant amounts of public money, thousands and thousands of dollars, in outfitting, training and paying the volunteer reserve members to do a job which, when it arrives, they can decline? Most of them, perhaps, do not decline, but many do.

I wanted to point out to senators that we made that careful condition precedent in the recommendation about equality of pay and guarantee of jobs. It is a call to duty: You are now leaving. I do not care if your plumbing job requires you to be there. You are now leaving to fight this fire or to fight that war.

In that event, when someone returns from having done that duty, he must have job protection and equality of pay. The question that is raised is: Must we have job protection and equality of pay for those people who join the reserves who do not answer that call? To talk about money, to be crass, should we spend public money on outfitting, training and paying those members of the reserves without the expectation that, when called upon they will answer that call? That as opposed to the situation which obtains now, which is that they can say, "I ain't going."

I call senators' attention to that aspect of the report and to the things that Senator Dallaire referred to, and I defer to a call for dealing with the motion.

Senator Dallaire: The honourable senator is right. There is a supplementary reserve list. When someone is released from the Canadian Forces and he is medically fit, he can volunteer to stay on the five-year supplementary reserve. That should also be looked at as automatic. He stays on the list and has the protection.

With regard to the reserve list, the general reserve employment, on average 1 to 6 per cent of those whom we call to volunteer actually do volunteer. For many of them, the reason is academics, and for others it is employment or compassionate reasons. In the forces, there are three or four people available to produce one volunteer at a certain point in time. Those who have not responded on a certain occasion might respond the next time because they have finished their academic studies, for example.

Volunteer work is the essence of the philosophy of our citizenry and of the military. We nearly ripped this country apart twice by trying to impose volunteerism, if you remember, in World War I and World War II. The bill reflects that those who are called upon to volunteer, and if they volunteer, will get the protection. The people who do not volunteer at that time do not get the protection, but should on the subsequent call. We are into this business of *ad vitam eternam*, the way it looks, that if they are called forward and by then they have a job, they would be protected at that time. Are we in agreement on that?

Senator Banks: I am in agreement, and I do not see how anyone could reasonably argue that a woman or man, having answered the call, having volunteered and having gone into active service on the line of fire or war or civil disorder, whatever it may be, could possibly expect anything less from the country and from his or her employer than to be reinstated in their job, or, while we are talking about it, receive the same pay as the person next to him on the job, who may be a member of the regular forces, while that reserve member is doing the same job in the same place in the same way. I do not think that anyone could reasonably argue with that.

I merely wanted to call the attention of senators to the fact that there is a very large question out there. Using the honourable senator's numbers as a rough example, for the 10,000 new recruits who will be added to the reserve forces, we will spend the same amount of money and time outfitting, training and paying those 10,000 people. If we have a reasonable expectation of only being able, in the event, to call upon 300 of them, how much sense does it make to have spent the money on raising the level of capacity of those 9,700 people in the hope that they might be available the next time?

It is a rude question, but it is one that we need to ask. It does not obtain directly to Senator Segal's motion, to which the honourable senator has spoken, which, as he has pointed out, deals with people who do volunteer. I merely wanted to call that to the attention of honourable senators.

Hon. Michael A. Meighen: This is for my own clarification and perhaps for that of other honourable senators as well. We will see if my memory coincides with that of Senator Banks. I believe there was one "out," if you will, that the committee proposed with respect to those who join the reserves and undertake to serve if and when called, and that was similar to jury duty. If they could demonstrate that there was a good and valid reason why they should not have to fulfill their obligation to go, then they could be excused, after inquiry. I think that is what we said.

Senator Banks: There have to be those kinds of exemptions. A single mother, for example, who is a member of the reserve, however willing, obviously would have to look twice at being sent out of country for six months. There are all kinds of gradations and things that come after the general thrust of the matter, but that is certainly one of the exceptions which we carefully considered. The analogy to jury duty is excellent.

On motion of Senator Fraser, debate adjourned.

HUMAN RIGHTS

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Leave having been given to revert to Motions:

Hon. A. Raynell Andreychuk, Chairman of the Standing Senate Committee on Human Rights, with leave of the Senate and notwithstanding rule 58(1)(a), moved:

That the Standing Senate Committee on Human Rights have power to sit on Monday, October 30, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Senator Andreychuk: Perhaps I can explain. The committee had already sent out notices that we would be sitting from 4:00 to 7:00, in our usual time slot, and we have been attempting to have Minister Prentice appear before the committee. Unfortunately, he chairs the Operations Committee and cannot come until about 5:45 or 6:00. We want him and Mr. Fontaine to appear before the committee to address the reports that we have completed on Aboriginal women. This particular slot is very timely, and if we delay any further, the reasons why we want to call him may fall away. We anticipate that we would be through before 7:00.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

• (1530)

ADJOURNMENT

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate, and notwithstanding rule 58(1)(h), I move:

That when the Senate adjourns today, it do stand adjourned until Monday, October 30, 2006, at 6 p.m., and that rule 13(1) be suspended in relation thereto.

The Hon. the Speaker: Is leave granted?

Hon. Senators: Agreed.

Motion agreed to.

[Translation]

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, with leave of the Senate, I move:

That the Senate do now adjourn during pleasure, to reassemble at the call of the chair with a 15-minute bell.

[English]

I am proposing that there be a suspension to the call of the chair and that the six o'clock rule be suspended.

The Hon. the Speaker: Honourable senators, because we do not often deal with a situation such as this, and so that honourable senators understand, this motion says that I will be leaving the chair. When I receive the signal from the chamber, from the Leader of the Government and the Leader of the Opposition, the bell will ring for 15 minutes, at which point I will return to the chair. We are dealing with an adjournment at pleasure.

I will formally put the motion and then it will be subject to debate.

It was moved by the Honourable Senator Comeau, seconded by the Honourable Senator Stratton, that the Senate do now adjourn during pleasure to reassemble at the call of the chair with a 15-minute bell.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, the Deputy Leader of the Government has consulted with both me and the Leader of the Opposition with respect to this.

However, for the benefit of all honourable senators, I shall ask him to explain exactly why he is making this comparatively unusual motion and when he thinks that it might be the Speaker's pleasure to summon us back.

Senator Comeau: Thank you very much for allowing me the opportunity to explain.

We had been hoping to receive the report of the Standing Senate Committee on Legal and Constitutional Affairs with matters relating to Bill C-2 at a much earlier time.

As a result of the very long days that were put in yesterday and the day before on many motions, staff members are in the process of drafting these motions and amendments to the bill. We expect that the report will be ready for presentation in the Senate by roughly 5:00 p.m. or 5:30 p.m. this afternoon.

Honourable senators will appreciate, I am sure, that there were several amendments, from the government side, of a technical nature, and from the other side, of a less technical nature. Therefore, in order to assure that these amendments are properly written in both official languages, it will take time.

With this in mind, and because we have gone through the Order Paper and the scroll, once we return, it will be a matter of presentation of the report, at which time the Senate will adjourn until Monday at 6 p.m.

Senator Corbin has just indicated that we will need unanimous consent.

The Hon. the Speaker: Is it equally understood by the house that the chair will be operating on the basis that we are not seeing the clock at six o'clock?

Senator Comeau: Yes.

The Hon. the Speaker: Whenever I receive advice from the leadership, we will find pleasure to return?

Senator Comeau: Agreed.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to.

The Senate adjourned during pleasure.

• (2030)

The sitting was resumed.

FEDERAL ACCOUNTABILITY BILL

REPORT OF COMMITTEE

Leave having been given to revert to Presentation of Reports from Standing or Special Committees:

Hon. Terry Stratton, for Senator Oliver, Chairman of the Standing Senate Committee on Legal and Constitutional Affairs, presented the following report:

Thursday, October 26, 2006

The Standing Senate Committee on Legal and Constitutional Affairs has the honour to present its

FOURTH REPORT

Your Committee, to which was referred Bill C-2, An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability, has, in obedience to the Order of Reference of Tuesday, the 27th of June, 2006, examined the said Bill and now reports the same with the following amendments:

1. *Clause 2, page 3:* Replace line 35 with the following:

“missioner;

(d.1) a ministerial appointee whose appointment is approved by the Governor in Council; and”.

2. *Clause 2, page 4:* Replace line 5 with the following:

“Governor in Council may appoint a person, but does not include the Senate or the House of Commons.”.

3. *Clause 2, page 4:*

- (a) Replace line 20 with the following:

“(d) a Governor in Council appointee, or a ministerial appointee whose appointment is approved by the Governor in Council, who”; and

- (b) Replace line 24 with the following:

“(e) a Governor in Council appointee, or a ministerial appointee whose appointment is approved by the Governor in Council, who”.

4. *Clause 2, page 5:*

(a) Replace lines 26 and 27 with the following:

“4. (1) For the purposes of this Act, a public office holder is in an actual conflict of interest when he”, and

(b) Add after line 32 the following:

“(2) For the purposes of this Act, a public office holder is in a potential conflict of interest when the public office holder’s ability to exercise an official power, duty or function could be influenced by his or her private interests or those of his or her relatives or friends, or could be improperly influenced by another person’s private interests.

(3) For the purposes of this Act, a public office holder is in an apparent conflict of interest when there is a reasonable perception, which a reasonably well-informed person could properly have, that the public office holder’s ability to exercise an official power, duty or function must have been influenced by his or her private interests or those of his or her relatives or friends, or must have been improperly influenced by another person’s private interests.”.

5. *Clause 2, page 6:*

(a) Replace lines 3 and 4 with the following:

“prevent the public office holder from being in an actual, apparent or potential conflict of interest.”;

(b) Replace lines 10 and 11 with the following:

“the decision, he or she would be in an actual, apparent or potential conflict of interest.”.

6. *Clause 2, page 6:*

(a) Replace line 5 with the following:

“6. No public office holder shall make a”; and

(b) Delete lines 12 to 17.

7. *Clause 2, page 7:* Replace line 9 with the following:

“(b) that is given by a relative or close personal friend; or”.

8. *Clause 2, page 9:* Replace lines 39 and 40 with the following:

“it would place the public office holder in an actual, apparent or potential conflict of interest.”.

9. *Clause 2, page 12:* Replace line 10 with the following:

“he or she would be in an actual, apparent or potential conflict of interest.”.

10. *Clause 2, page 13:* Replace line 37 with the following:

“in a 12-month period, the reporting.”.

11. *Clause 2, page 14:* Replace line 16 with the following:

“recused himself or herself to avoid an actual, apparent or potential conflict of”.

12. *Clause 2, page 14:* Replace line 21 with the following:

“identify the actual, apparent or potential conflict of interest that was avoided.”.

13. *Clause 2, page 14:* Replace line 24 with the following:

“is appointed as a public office holder,”.

14. *Clause 2, page 15:* Replace line 1 with the following:

“or more, other than one from a relative,”.

15. *Clause 2, page 18:* Replace line 25 with the following:

“actual, apparent or potential conflict of interest in relation to the reporting”.

16. *Clause 2, page 22:*

(a) Replace line 1 with the following:

“38. (1) The Commissioner may, on application, exempt”; and

(b) Replace lines 22 to 27 with the following:

“(3) The decision made by the Commissioner shall be communicated in writing to the person who applied for the exemption.

(4) If the Commissioner has granted an exemption in accordance with this section, the Commissioner shall publish the decision and the reasons in the public registry maintained under section 51.”.

17. *Clause 2, page 24:* Replace, in the English version, line 4 with the following:

“a person under section 39 affects any obligation or”.

18. *Clause 2, page 24:*

(a) Replace line 7 with the following:

“43. (1) In addition to carrying out his or her”;

(b) Replace line 10 with the following:

“(a) provide advice to the Prime”; and

(c) Add after line 17 the following:

“(2) Subject to subsection (4), advice under paragraph (1)(a) may be provided on a confidential basis.

(3) If, in the course of responding to a request by the Prime Minister for advice under paragraph (1)(a), the Commissioner concludes that a public office holder has contravened this Act, the Commissioner shall provide the Prime Minister with a report setting out the facts in relation to the contravention as well as the Commissioner's analysis and conclusions.

(4) The Commissioner shall, at the same time that the report is provided under subsection (3) to the Prime Minister, provide a copy of it to the public office holder who is the subject of the report and make the report available to the public."

19. *Clause 2, page 25:* Delete lines 4 to 21.

20. *Clause 2, page 25:*

(a) Replace line 22 with the following:

"(7) Subject to subsection (8.1), the Commissioner shall provide the"; and

(b) Replace lines 26 to 31 with the following:

"request.

(8) Subject to subsection (8.1), the Commissioner shall, at the same time".

21. *Clause 2, page 25:* Replace, in the English version, line 32 with the following:

"that the report is provided under subsection (7)".

22. *Clause 2, page 25:* Add after line 37 the following:

"(8.1) If the Commissioner determines that the request was frivolous or vexatious or was made in bad faith or the examination of the matter was discontinued under subsection (3), the Commissioner shall provide the report only to the member who made the request and the public office holder or former public office holder who is the subject of the request, and shall not make the report available to the public."

23. *Clause 2, page 26:*

(a) Replace lines 15 and 16 with the following:

"46. Before providing advice under paragraph 43(1)(a) or a report under section 43,";

(b) Replace line 22 with the following:

"out in a report under section 43, 44 or 45 that a"; and

(c) Replace line 28 with the following:

"48. (1) For the purposes of paragraph 43(1)(a)".

24. *Clause 2, page 27:* Replace line 17 with the following:

"43, 44 or 45; or".

25. *Clause 2, page 28:* Replace line 16 with the following:

"section 86 of the *Parliament of Canada*".

26. *Clause 2, page 28:* Add after line 26 the following:

"(c.1) decisions on exemption applications under section 38 and the accompanying reasons;".

27. *Clause 2, page 28:* Replace line 35 with the following:

"recusal under subsection 25(1) or section 30,".

28. *Clause 2, page 31:*

(a) Replace line 38 with the following:

"later than two years after the day on which the"; and

(b) Replace line 40 with the following:

"matter of the proceedings and, in any case, not later than five years after the day on which the subject-matter of the proceedings arose."

29. *Clause 2, page 32:* Replace lines 29 and 30 with the following:

"(2) Nothing in this Act abrogates or".

30. *Clause 2, page 32:*

(a) Replace line 35 with the following:

"at any time within but not later than two years"; and

(b) Replace line 39 with the following:

"five years after the day on which the subject-".

31. *Clause 2, page 33:* Replace lines 7 and 8 with the following:

"67. (1) Within five years after this section comes into force, a comprehensive review".

32. *Clause 3, page 35, line 4:* Replace in the French version with the following:

"aux conflits d'intérêts et à l'éthique en conformité avec l'article 44 de".

33. *Clause 3:*

(a) *Page 33:*

(i) Replace lines 26 and 27 with the following:

"tion in the office of the Ethics Commissioner", and

(ii) Delete line 40; and

(b) *Page 34:*

(i) Replace lines 1 and 2 with the following:

“(3) Every reference to the Ethics Commissioner in any”,

(ii) Replace, in the English version, line 4 with the following:

“other document executed by that person is”,

(iii) Replace lines 9 and 10 with the following:

“administrative proceeding to which the Ethics Commis-”,

(iv) Replace line 17 with the following:

“Ethics Commis-”, and

(v) Replace lines 21 to 23 with the following:

“possession or control of the Ethics Commissioner relating to the exercise of his or her powers, duties and”.

34. *Clause 4, page 35:* Replace line 34 with the following:

“Commissioner or Senate Ethics Officer”.

35. *Clause 5, page 36:*

(a) Replace lines 5 and 6 with the following:

“committee or member of either House, the Senate Ethics Officer or the Conflict of Interest and Ethics Commissioner”; and

(b) Replace line 8 with the following:

“powers referred to in section 86 of the”.

36. *Clause 7, page 36:*

(a) Replace line 19 with the following:

“(c) with respect to the Senate and the office of the Senate Ethics Officer, the Speaker of”;

(b) Replace line 24 with the following:

“er of the House of Commons,”; and

(c) Replace line 32 with the following:

“Commons, Library of Parliament, office of the Senate Ethics Officer and office”.

37. *Clause 10, page 37:*

(a) Replace line 14 with the following:

“House of Commons, Library of Parliament, office of the Senate Ethics Officer or”; and

(b) Replace line 21 with the following:

“Parliament, office of the Senate Ethics Officer or office of the Conflict of Interest”.

38. *Clause 11, page 37:* Replace line 27 with the following:

“of Parliament, office of the Senate Ethics Officer and office of the Conflict of”.

39. *Clause 12, page 38:*

(a) Replace line 3 with the following:

“Parliament, office of the Senate Ethics Officer or office of the Conflict of Interest”;

(b) Replace, in the English version, line 8 with the following:

“Commons, Library of Parliament, office of the Senate Ethics Officer or office of the”;

(c) Replace, in the English version, line 14 with the following:

“ment, office of the Senate Ethics Officer or office of the Conflict of Interest and”;

(d) Replace, in the English version, line 17 with the following:

“Library of Parliament, office of the Senate Ethics Officer or office of the Conflict”;

(e) Replace, in the English version, line 22 with the following:

“Parliament, office of the Senate Ethics Officer or office of the Conflict of Interest”;

(f) Replace line 25 with the following:

“House of Commons, Library of Parliament, office of the Senate Ethics Officer or”;

(g) Replace, in the English version, line 33 with the following:

“Library of Parliament, office of the Senate Ethics Officer or office of the Conflict of”;

(h) Replace line 39 with the following:

“House of Commons, Library of Parliament, office of the Senate Ethics Officer or”; and

(i) Replace, in the English version, line 44 with the following:

“Commons, Library of Parliament, office of the Senate Ethics Officer or office of the”.

40. *Clause 13, page 39:*

(a) Replace line 7 with the following:

"Commons, Library of Parliament, office of the Senate Ethics Officer or office";

(b) Replace, in the English version, line 20 with the following:

"Parliament, office of the Senate Ethics Officer or office of the Conflict of";

(c) Replace, in the English version, line 29 with the following:

"Parliament, office of the Senate Ethics Officer or office of the Conflict of"; and

(d) Replace, in the English version, line 41 with the following:

"of Commons, Library of Parliament, office of the Senate Ethics Officer or".

41. *Clause 14, page 40:*

(a) Replace line 5 with the following:

"of Parliament, office of the Senate Ethics Officer or office of the Conflict of Interest"; and

(b) Replace, in the English version, line 14 with the following:

"Parliament, office of the Senate Ethics Officer or office of the Conflict of Interest".

42. *Clause 15:*(a) *Page 40:*

(i) Replace line 22 with the following:

"of Commons, Library of Parliament, office of the Senate Ethics Officer or office of",

(ii) Replace, in the English version, line 28 with the following:

"Library of Parliament, office of the Senate Ethics Officer or office of the Conflict",

(iii) Replace, in the English version, line 36 with the following:

"Library of Parliament, office of the Senate Ethics Officer or office of the Conflict of", and

(iv) Replace line 41 with the following:

"House of Commons, Library of Parliament, office of the Senate Ethics Officer or"; and

(b) *Page 41:*

(i) Replace line 3 with the following:

"Parliament, office of the Senate Ethics Officer or office of the Conflict of Interest", and

(ii) Replace, in the English version, line 9 with the following:

"Library of Parliament, office of the Senate Ethics Officer or office of the Conflict of".

43. *Clause 16, page 41:* Replace line 19 with the following:

"mons, Library of Parliament, office of the Senate Ethics Officer or office of the".

44. *Clause 17, page 41:* Replace line 27 with the following:

"Library of Parliament, office of the Senate Ethics Officer or office of the Conflict of".

45. *Clause 18, page 41:* Replace line 35 with the following:

"House of Commons, Library of Parliament, office of the Senate Ethics Officer or".

46. *Clause 19, page 42:* Replace line 6 with the following:

"of Parliament, office of the Senate Ethics Officer or office of the Conflict of".

47. *Clause 20, page 42:* Replace line 15 with the following:

"(c.1) the office of the Senate Ethics Officer and the office of the Conflict of Interest and".

48. *Clause 21, page 43:* Replace line 3 with the following:

"House of Commons, Library of Parliament, office of the Senate Ethics Officer or".

49. *Clause 22, page 43:*

(a) Replace line 15 with the following:

"Library of Parliament, office of the Senate Ethics Officer or office of the Conflict of"; and

(b) Replace line 21 with the following:

"Commons, Library of Parliament, office of the Senate Ethics Officer or office of".

50. *Clause 23, page 43:* Replace line 36 with the following:

"Library of Parliament, office of the Senate Ethics Officer or office of the Conflict of".

51. *Clause 24, page 44:* Replace line 3 with the following:

"Parliament, office of the Senate Ethics Officer and office of the Conflict of Interest".

52. *Clause 25, page 44*: Replace line 14 with the following:

“Parliament, office of the Senate Ethics Officer or office of the Conflict of Interest”.

53. *Clause 26, page 44*: Replace lines 19 to 21 with the following:

“26. Subsection 20.5(4) of the *Parliament of Canada Act* is replaced by the following:

(4) For greater certainty, the administration of the *Conflict of Interest Act* in respect of public office holders who are ministers of the Crown, ministers of state or parliamentary secretaries is not part of the duties and functions of the Senate Ethics Officer or the committee.”.

54. *Clause 28*:

(a) *Page 44*:

(i) Replace line 31 with the following:

“recognized party in the House of”, and

(ii) Replace lines 33 and 34 with the following:

“resolution of that House.”;

(b) *Page 45*: Replace line 19 with the following:

“Council on address of the House of”;

(c) *Page 46*:

(i) Replace lines 26 and 27 with the following:

“shall be considered by the Speaker of the House of Commons and”;

(ii) Replace line 34 with the following:

“sioner referred to in sections 86 and 87; and”, and

(iii) Delete lines 39 to 44;

(d) *Page 47*:

(i) Delete lines 1 to 23, and

(ii) Replace line 24 with the following:

“86. (1) The Commissioner shall perform the”;
and

(e) *Page 48*:

(i) Add after line 7 the following:

“86.1 (1) The Commissioner, or any person acting on behalf or under the direction of the Commissioner, is not a competent or compellable witness in respect of any matter coming to his or her knowledge as a result of exercising any powers or

performing any duties or functions of the Commissioner under this Act.

(2) No criminal or civil proceedings lie against the Commissioner, or any person acting on behalf or under the direction of the Commissioner, for anything done, reported or said in good faith in the exercise or purported exercise of any power, or the performance or purported performance of any duty or function, of the Commissioner under this Act.

(3) The protection provided under subsections (1) and (2) does not limit any powers, privileges, rights and immunities that the Commissioner may otherwise enjoy.”.

(ii) Replace line 8 with the following:

“87. The Commissioner shall, in relation to”,

(iii) Replace line 12 with the following:

“88. (1) Personal information collected by the”,

(iv) Replace line 23 with the following:

“89. The Commissioner may authorize any”,

(v) Replace line 30 with the following:

“90. (1) Within three months after the end of”,

(vi) Delete lines 32 to 35,

(vii) Replace lines 36 and 37 with the following:

“(a) a report on his or her activities under section 86 for that year to the Speaker of the”, and

(viii) Replace lines 40 and 41 with the following:

“(b) a report on his or her activities under section 87 for that year to the Speaker of the”.

55. *Clause 28, page 46*: Replace line 29 with the following:

“Board, who shall lay it before the”.

56. *Clause 29, page 49*: Replace line 12 with the following:

“Parliament, office of the Senate Ethics Officer and office of the Conflict of”.

57. *Clause 30, page 49*: Replace line 17 with the following:

“of Parliament, office of the Senate Ethics Officer or office of the Conflict of”.

58. *Clause 31*:

(a) *Page 49*: Replace lines 20 to 22 with the following:

“of the Act is amended by replacing paragraph (e) with the”; and

(b) *Page 50*: Replace line 1 with the following:

“(e) the office of the Conflict of Interest and”.

59. *Clause 32, page 50*: Replace lines 4 to 6 with the following:

“32. Paragraph 85(c.2) of the Act is replaced by the following:

(c.2) the office of the Conflict of Interest and”.

60. *Clause 33, page 50*: Replace line 20 with the following:

“Parliament, office of the Senate Ethics Officer and office of the Conflict of Interest”.

61. *Clause 34*:

(a) *Page 50*: Replace line 31 with the following:

“Parliament, office of the Senate Ethics Officer and office of the Conflict of Interest”; and

(b) *Page 51*: Replace line 1 with the following:

“ment, office of the Senate Ethics Officer or office of the Conflict of Interest and”.

62. *Clause 35, page 51*: Replace, in the English version, line 20 with the following:

“a person under section 39 affects any obligation or”.

63. *Clause 37*:

(a) *Page 51*:

(i) Replace lines 36 and 37 with the following:

“into force and the day on which section 24 of the *Public Servants Disclosure*”, and

(ii) Replace line 41 with the following:

“adding the following after section 67:”; and

(b) *Page 52*: Replace lines 1 and 2 with the following:

“68. If a matter is referred to the Commissioner under subsection 24(2.1) of the *Public*”.

64. *Clause 38, page 52*:

(a) Replace line 25 with the following:

“committee or member of either House, the Senate Ethics Officer or the”; and

(b) Replace lines 28 and 29 with the following:

“powers referred to in sections 41.1 to 41.5 and 86 of the *Parliament of Canada Act*.”.

65. *Clause 40, page 56*: Replace, in the French version, line 13 with the following:

“a) dont il sait ou devrait normalement savoir qu'elle contient des rensei-”.

66. *Clause 44, page 58*: Add after line 5 the following:

“(4) Section 404.2 of the Act is amended by adding the following after subsection (6):

(7) For greater certainty, the payment by or on behalf of an individual of fees to attend an annual, biennial or leadership convention of a particular registered party is a contribution to that party.”.

67. *Clause 46*:

(a) *Page 58*:

(i) Replace line 30 with the following:

“(a) \$2,000 in total in any calendar year to a”,

(ii) Replace line 32 with the following:

“(a.1) \$2,000 in total in any calendar year to”,

(iii) Replace line 36 with the following:

“(b) \$2,000 in total to a candidate for a”, and

(iv) Replace line 39 with the following:

“(c) \$2,000 in total to the leadership contest-”; and

(b) *Page 59*:

(i) Replace line 15 with the following:

“(a) contributions that do not exceed \$2,000”,

(ii) Replace line 20 with the following:

“(b) contributions that do not exceed \$2,000”, and

(iii) Replace line 25 with the following:

“(c) contributions that do not exceed \$2,000”.

68. *Clause 46*:

(a) *Page 58*: Add after line 40 the following:

“(1.1) In respect of any calendar year in which two or more general elections are held, the limits under paragraphs (1)(a) and (a.1) are the amounts set out in those paragraphs multiplied by the number of general elections held in that calendar year.”; and

(b) *Page 59*: Add after line 28 the following:

“(4) Section 405 of the Act is amended by adding the following after subsection (4):

(4.1) In respect of any calendar year in which a nomination contestant or candidate of a registered party campaigns as a nomination contestant or candidate in two or more general elections, the contribution amount referred to in paragraph (4)(a) is the amount set out in that paragraph multiplied by the number of general elections in which the nomination contestant or candidate campaigned in that calendar year.”.

69. *Clause 56:*

(a) *Page 63:* Replace line 20 with the following:

“required period) or paragraph 92.6(b) (pro-”;

(b) *Page 64:*

(i) Replace line 5 with the following:

“92.6(a) (providing statement containing”, and

(ii) Replace line 7 with the following:

“ingly contravenes paragraph 92.6(b) (pro-”.

70. *Clause 59, page 64:*

(a) Replace line 31 with the following:

“later than two years after the day on which the”; and

(b) Replace line 34 with the following:

“than seven years after the day on which the offence”.

71. *Clause 67, Page 66:*

(a) Replace line 13 with the following:

““designated public office holder” means”; and

(b) Replace lines 18 and 19 with the following:

“(b) any other public office holder who, in a department within the meaning of paragraph (a), (a.1) or (d) of the definition “department” in section 2 of the *Financial Admin-*”.

72. *Clause 67, page 67:* Replace line 2 with the following:

“to (4), as if the person were a designated public”.

73. *Clause 69, page 69:* Replace line 19 with the following:

“(g) the fact that the undertaking does not provide for any”.

74. *Clause 69, page 69:* Replace lines 30 to 32 with the following:

“the individual as a designated public office holder and the date on which the individual last ceased to hold such a designated public office;”.

75. *Clause 69, page 70:* Replace lines 4 to 6 with the following:

“month involving a designated public office holder and relating to the undertaking,

(i) the name of the designated public office”.

76. *Clause 70, page 72:* Replace lines 38 and 39 with the following:

“month involving a designated public office holder,

(i) the name of the designated public office”.

77. *Clause 70, page 72:* Replace lines 7 to 9 with the following:

“qualified the employee as a designated public office holder and the date on which the employee last ceased to hold such a designated”.

78. *Clause 73, page 74:* Replace line 22 with the following:

“present or former designated public office holder”.

79. *Clause 73, page 74:* Replace line 30 with the following:

“(2) The Commissioner shall, in a report under”.

80. *Clause 73, page 74:* Replace, in the English version, line 32 with the following:

“present or former designated public office holder to”.

81. *Clause 75, page 75:*

(a) Replace line 13 with the following:

“individual ceases to be a designated public office”; and

(b) Replace line 42 with the following:

“(a) was a designated public office holder for a”.

82. *Clause 75, page 75:* Replace line 21 with the following:

“that organization if carrying on those activities would constitute a significant part of the individual’s work on its behalf; and”.

83. *Clause 75:*

(a) *Page 75:* Replace, in the English version, line 29 with the following:

“of any designated public office that was held only”; and

(b) *Page 76:* Replace, in the English version, line 1 with the following:

“(b) was a designated public office holder on an”.

84. *Clause 75, page 76*: Add, after line 8, the following:

"10.111 No individual who has a contract for services with a department or other governmental organization, and no individual who is employed by an organization or corporation that has a contract for services with a department or other governmental organization, shall carry on, in relation to a public office holder who is employed by or serves in that department or governmental organization, for a period of five years after the day on which the contract ends,

(a) any of the activities referred to in paragraph 5(1)(a) or (b) in the circumstances referred to in subsection 5(1); or

(b) any of the activities referred to in paragraph 7(1)(a) on behalf of an organization or corporation, if carrying on those activities would constitute a significant part of the individual's work on its behalf."

85. *Clause 75, page 76*: Replace line 10 with the following:

"Act as if they were a designated public office holder".

86. *Clause 79, page 80*: Replace lines 16 to 22 with the following:

"any position occupied by a public office holder as a position occupied by a designated public office holder for the purposes of paragraph (c) of the definition "designated public office holder" in subsection 2(1) if, in the opinion of the Governor in Council, doing so is necessary for the purposes of this Act;"

87. *New clause 79.1, page 80*: Add after line 22 the following:

"79.1 The Act is amended by adding the following after section 13:

PROHIBITION

13.1 No individual shall obstruct the Commissioner or any person acting on behalf or under the direction of the Commissioner in the performance of the Commissioner's duties and functions under this Act."

88. *Clause 80, page 81*:

(a) Replace line 7 with the following:

"than two years after the day on which the"; and

(b) Replace line 10 with the following:

"later than five years after the day on which the".

89. *Clause 80, page 81*:

(a) Replace line 12 with the following:

"14.01 (1) If a person is convicted of an offence"; and

(b) Add after line 22 the following:

"(2) Any person who fails to comply with a prohibition of the Commissioner under subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding \$50,000."

90. *Clause 88, page 83*: Replace line 35 with the following:

"designated public office holder with the rank of".

91. *Delete clause 89, pages 85 to 86.*

92. *Clause 99, page 88*: Replace, in the English version, line 25 with the following:

"41.3 (1) If a trust disclosed by a member of the House of Commons".

93. *Clause 101, page 91*: Replace line 16 with the following:

"House of Commons, Library of Parliament, office of the Senate Ethics Officer or".

94. *Clause 106, page 92*: Replace lines 39 and 40 with the following:

"(c) special adviser to a minister."

95. *Clause 107, page 93*:

(a) Replace line 7 with the following:

"107. (1) A person referred to in subsection"; and

(b) Add after line 16 the following:

"(2) A person who, on the coming into force of this section, is employed in the circumstances described in subsection 41(2) or (3) of the *Public Service Employment Act*, as it read immediately before the coming into force of subsection 103(1) of this Act, and who would have had priority for appointment in accordance with subsection 41(2) or (3) if the person had ceased to be so employed immediately before the coming into force of subsection 103(1), shall be given priority for appointment in accordance with subsection 41(2) or (3), as the case may be, when they cease to be so employed.

(3) For the purposes of subsections (1) and (2), priority for appointment under subsection 41(2) or (3) of the *Public Service Employment Act*, as it read immediately before the coming into force of subsection 103(1) of this Act, shall be determined as if sections 100 and 102 to 105 of this Act had not been enacted."

96. *Clause 108, page 93*: Replace, in the English version, line 37 with the following:

"of that province to those provisions."

97. *Clause 108, page 94*: Replace lines 1 to 4 with the following:

“(4) Sections 41 to 43, subsections 44(3) and (4) and sections 45 to 55, 57 and 60 to 64 come into force on January 1 of the year following the year in which this Act receives royal assent.

(4.1) Sections 63 and 64 do not apply in respect of monetary contributions made before the day on which those sections come into force.”.

98. *Clause 110, page 95*: Replace lines 5 and 6 with the following:

“commission under the Great Seal, appoint an Auditor General of Canada”.

99. *Clause 116, page 97*: Replace line 26 with the following:

“(3) The Governor in Council shall select the”.

100. *Clause 116, page 97*: Replace line 29 with the following:

“the Leader of the Government in the Senate and the Leader of the Government in the House of”.

101. *Clause 116, page 97*: Replace lines 30 and 31 with the following:

“Commons, by a committee composed of the Leader of the Government in the Senate, the Leader of the Opposition in the Senate, the Leader of the Government in the House of Commons, the Leader of the Opposition in the House of Commons, and the Parliamentary Librarian.”.

102. *Clause 116, page 97*: Replace line 37 with the following:

“(a) provide independent analysis to the Senate”.

103. *Clause 116, page 98*:

(a) Replace line 3 with the following:

“that committee into the”; and

(b) Replace lines 26 to 32 with the following:

“those estimates; and

(d) when requested to do so by a member of”.

104. *Clause 116*:

(a) *Page 98*: Replace, in the English version, line 47 with the following:

“of this section, to free and timely access”; and

(b) *Page 99*: Replace, in the French version, line 1 with the following:

“connaissance, gratuitement et en temps opportun, de”.

105. *Clause 120, page 102*:

(a) Delete lines 22 and 23; and

(b) Delete lines 27 to 30.

106. *Clause 121, page 105*: Replace lines 19 and 20 with the following:

“(a.1) a person named by the leader in the Senate of each recognized party in that House;

(b) a person named by the leader in the House of Commons of each recognized party in that House;”.

107. *Clause 121, page 105*: Replace lines 27 to 34 with the following:

“(2) The selection committee shall identify and assess candidates for appointment to the office of Director, each of whom must be a member of at least 10 years’ standing at the bar of any province, and the committee shall recommend to the Attorney General three assessed candidates whom it considers suitable for appointment.”.

108. *Clause 121*:

(a) *Page 105*: Replace lines 41 and 42 with the following:

“to a committee of the Senate, of the House of Commons or of both Houses of Parliament designated or established for that purpose.”; and

(b) *Page 106*:

(i) Replace line 2 with the following:

“committee referred to in subsection (4) gives its approval,”; and

(ii) Replace, in the English version, line 5 with the following:

“or, if the committee does not give”.

109. *Clause 121, page 106*: Replace line 13 with the following:

“Senate and House of Commons to that effect. The Director”.

110. *Clause 142, page 117*: Replace line 10 with the following:

“applies to any of its wholly-owned subsidiaries within the”.

111. *Clause 143, page 117*: Replace line 40 with the following:

“regulations, provide timely access to the record in the”.

112. *Clause 144, page 118:*

(a) Replace lines 13 and 14 with the following:

“(c) the Information Commissioner;

(d) the Privacy Commissioner; and

(e) the Commissioner of Lobbying.”; and

(b) Replace line 16 with the following:

“institution referred to in any of paragraphs (1)(a) to (e)”.

113. *Clause 145, page 118:* Replace line 29 with the following:

“*Elections Act*, the Chief Electoral Officer may”.

114. *Clause 147, page 119:*

(a) Replace lines 24 and 25 with the following:

“Board;

(d) VIA Rail Canada Inc.; or

(e) the Canada Foundation for Sustainable Development Technology.”; and

(b) Replace line 32 with the following:

“(e); or”.

115. *Clause 148, page 120:* Add after line 10 the following:

“20.3 The head of the Canada Foundation for Sustainable Development Technology shall refuse to disclose a record requested under this Act that contains advice or information obtained in confidence by the Foundation relating to applications for funding, eligible projects or eligible recipients, within the meaning of the *Canada Foundation for Sustainable Development Technology Act*, if the Foundation has consistently treated the advice or information as confidential.”.

116. *Clause 148, page 120:* Add before line 11 the following:

“20.4 The head of the National Arts Centre Corporation shall refuse to disclose a record requested under this Act if the disclosure would reveal the terms of a contract for the services of a performing artist or the identity of a donor who has made a donation in confidence and if the Corporation has consistently treated the information as confidential.”.

117. *Clause 150, page 120:* Replace line 37 with the following:

“government institution or any related audit working paper if a final report of the”.

118. *New clause 150.1, page 120:* Add after line 41 the following:

“150.1 The Act is amended by adding the following after section 26:

26.1 Despite any other provision of this Act, the head of a government institution may disclose all or part of a record to which this Act applies if the head determines that the public interest in the disclosure clearly outweighs in importance any loss, prejudice or harm that may result from the disclosure. However, the head shall not disclose any information that relates to national security.”.

119. *Clause 159, page 123:* Add, in the English version, after line 14 the following:

“68.3 This Act does not apply to any information that was already under the control of the following Foundations before the coming into force of section 166 of the *Federal Accountability Act*:

(a) the Asia-Pacific Foundation of Canada;

(b) the Canada Foundation for Innovation;

(c) the Canada Foundation for Sustainable Development Technology;

(d) the Canada Millennium Scholarship Foundation; and

(e) The Pierre Elliott Trudeau Foundation.

68.4 This Act does not apply to any information that was already under the control of the Office of the Auditor General of Canada before the coming into force of section 167 of the *Federal Accountability Act*.

68.5 This Act does not apply to any information that was already under the control of the Office of the Chief Electoral Officer before the coming into force of section 168 of the *Federal Accountability Act*.

68.6 This Act does not apply to any information that was already under the control of the Office of the Commissioner of Official Languages before the coming into force of section 169 of the *Federal Accountability Act*.

68.7 This Act does not apply to any information that was already under the control of the Office of the Information Commissioner before the coming into force of section 170 of the *Federal Accountability Act*.

68.8 This Act does not apply to any information that was already under the control of the Office of the Privacy Commissioner before the coming into force of section 171 of the *Federal Accountability Act*.”.

120. *Delete clause 165, page 126.*

121. *New clause 172.01, page 127:* Add after line 31 the following:

"172.01 Schedule II to the Act is amended by adding, in alphabetical order, a reference to

Canada Elections Act

Loi électorale du Canada

and a corresponding reference to "section 540"."

122. *Delete clause 172.1, page 127.*

123. *New clause 179.1, page 131:* Add before line 17 the following:

"179.1 The definition "government institution" in section 2 of the *Library and Archives of Canada Act* is replaced by the following:

"government institution" has the same meaning as in section 3 of the *Access to Information Act* or in section 3 of the *Privacy Act* or means an institution designated by the Governor in Council."

124. *Clause 180, page 131:* Replace lines 17 and 18 with the following:

"180. The Act is amended by adding the following after".

125. *Clause 182, page 132:* Replace line 32 with the following:

"applies to any of its wholly-owned subsidiaries within the".

126. *Clause 191:*

(a) *Page 136:* Add after line 43 the following:

"Asia-Pacific Foundation of Canada

Fondation Asie-Pacifique du Canada"; and

(b) *Page 137:* Add after line 7 the following:

"The Pierre Elliott Trudeau Foundation

La Fondation Pierre-Elliott-Trudeau".

127. *Clause 194, page 137:* Add after line 27 the following:

"(2.1) Paragraph (d) of the definition "protected disclosure" in subsection 2(1) of the Act is replaced by the following:

(d) when lawfully permitted or required to do so."

128. *Clause 194, page 137:* Add after line 36 the following:

"(3.1) The definition "reprisal" in subsection 2(1) of the Act is amended by striking out the word "and" at the end of paragraph (d) and by replacing paragraph (e) with the following:

(e) any other measure that may adversely affect, directly or indirectly, the public servant; and

(f) a threat to take any of the measures referred to in any of paragraphs (a) to (e)."

129. *Clause 194, page 138:* Add after line 12 the following:

"(4.1) The portion of the definition "public sector" in subsection 2(1) of the Act after paragraph (c) is replaced by the following:

However, subject to sections 52 and 53, "public sector" does not include the Canadian Forces."

130. *New clause 200.1, page 139:* Add after line 43 the following:

"200.1 Subsection 16(2) of the Act is repealed."

131. *Clause 201, page 140:* Add before line 7 the following:

"19.01 For the purposes of the provisions of this Act relating to complaints in relation to a reprisal, any administrative or disciplinary measure taken against a public servant within one year after the public servant makes a disclosure concerning a particular matter under any of sections 12 to 14 shall be presumed, in the absence of a preponderance of evidence to the contrary, to be a reprisal."

132. *Clause 201:*

(a) *Page 140:* Replace line 16 with the following:

"one year after the day on which the complainant"; and

(b) *Page 141:*

(i) Replace line 1 with the following:

"(b) the complaint is filed within one year after", and

(ii) Replace line 13 with the following:

"within one year after the later of".

133. *Clause 201, page 154:* Replace lines 39 and 40 with the following:

"(f) compensate the complainant for any".

134. *Clause 203, page 159:* Replace, in the English version, line 7 with the following:

"an investigation;"

135. *Clause 203, page 160:*

(a) Replace line 30 with the following:

"constitute a wrongdoing or reprisal is \$25,000.";

(b) Replace line 39 with the following:

“more than \$25,000.”; and

(c) Replace line 43 with the following:

“and (5) is at the discretion of the Commissioner.”.

136. *Clause 207, page 162:* Add after line 29 the following:

“(1.1) Where the Commissioner is of the opinion that it is necessary for the purpose of an investigation to obtain information from outside the public sector, the Commissioner may use his or her powers under subsection (1) to direct that such information be provided.”.

137. *New clause 207.1, page 162:* Add after line 29 the following:

“**207.1 Section 34 of the Act is repealed.**”.

138. *Clause 221, page 171:* Replace lines 39 and 40 with the following:

“33 of that Act if the information identifies or could reasonably be expected to lead to the identification of a public servant who made a disclosure, or a person who provided information or who cooperated in an investigation, under that Act;

(b) obtained by him or her or on his or her behalf in the course of an investigation into a disclosure made under that Act or an investigation commenced under section 33 of that Act, unless he or she is of the opinion that it would be in the public interest to disclose the record;

(c) created by him or her or on his or her behalf in the course of an investigation into a disclosure made under that Act, or an investigation commenced under section 33 of that Act, if the investigation is not yet completed; or

(d) received by a conciliator in the course of”.

139. *Clause 221, page 172:* Replace line 12 with the following:

“under that Act if

(a) the information identifies or could reasonably be expected to lead to the identification of a public servant who made a disclosure, or a person who provided information or who cooperated in an investigation, under that Act; or

(b) the investigation is not yet completed.”.

140. *Clause 223, page 174:* Replace line 15 with the following:

“disclosure under that Act and the information identifies or could reasonably be expected to lead to the identification of a public servant who made a

disclosure, or a person who provided information or who cooperated in an investigation, under that Act.”.

141. *Clause 224, page 174:* Replace lines 20 to 28 with the following:

“**22.2** (1) Subject to paragraph 22(d) of the *Public Servants Disclosure Protection Act*, the Public Sector Integrity Commissioner shall refuse to disclose any personal information requested under subsection 12(1) that was obtained or created by him or her or on his or her behalf in the course of an investigation into a disclosure made under that Act or an investigation commenced under section 33 of that Act if the information identifies or could reasonably be expected to lead to the identification of a public servant who made a disclosure, or a person who provided information or who cooperated in an investigation, under that Act.

(2) Subsection (1) does not apply if the public servant or person who is or could reasonably be identified consents to disclosure of the information.”.

142. *Clause 224, page 174:* Replace line 35 with the following:

“disclosure under that Act if the information identifies or could reasonably be expected to lead to the identification of a public servant who made a disclosure, or a person who provided information or who cooperated in an investigation, under that Act, unless the public servant or person who is or could reasonably be identified consents to disclosure of the information.”.

143. *Clause 226, page 175:* Replace lines 12 and 13 with the following:

“**section 45 of the *Conflict of Interest Act* comes into**”.

144. *Clause 227, page 175:* Replace line 32 with the following:

“**1.1** (1) The Governor in Council shall estab-”.

145. *Clause 227, page 176:* Replace line 38 with the following:

“Governor in Council that a person be appointed or reappointed”.

146. *Clause 227:*

(a) *Page 176:* Replace lines 40 and 41 with the following:

“consult with the leader in the Senate of each recognized party in that House and the leader in the House of Commons of each recognized party in that House. An announce-”; and

(b) *Page 177:* Replace lines 2 and 3 with the following:

“each of the Speakers of the two Houses of Parliament for tabling in their respective Houses.”.

147. *Clause 227, page 176:* Replace line 32 with the following:

“of public servants and appointees involved in appointment”.

148. *Clause 227, page 177:* Replace line 5 with the following:

“during good behaviour for a term of seven years”.

149. *Clause 228, page 177:* Replace line 28 with the following:

“sections 183, 184, 186 to 193 and 227 of this Act”.

150. *New clauses 244.1 and 244.2, page 181:* Add after line 30 the following:

CANADIAN TOURISM COMMISSION ACT

“244.1 Subsection 11(4) of the *Canadian Tourism Commission Act* is replaced by the following:

(4) The directors appointed under subsection (1) hold office during pleasure on a part-time basis for a term not exceeding four years.

244.2 Subsection 12(3) of the Act is replaced by the following:

(3) The directors appointed under subsection (1) hold office during pleasure on a part-time basis for a term not exceeding four years.”.

151. *Clause 259, page 187:* Add after line 12 the following:

“16.21(1) A person who does not occupy a position in the federal public administration but who meets the qualifications established by directive of the Treasury Board may be appointed to an audit committee by the Governor in Council on the recommendation of the President of the Treasury Board.

(2) A member of an audit committee so appointed holds office during pleasure for a term not exceeding four years, which may be renewed for a second term.

(3) A member of an audit committee so appointed shall be paid the remuneration and expenses fixed by the Governor in Council.”.

152. *Clause 306, page 203:* Replace line 4 with the following:

“22.1 (1) The Governor in Council shall”.

153. *Clause 306, page 204:* Replace line 22 with the following:

“(4) The Procurement Auditor may re-”.

154. *Clause 306, pages 203 and 204:* Replace the expression “Procurement Auditor” with the expression “Procurement Ombudsman” wherever it occurs, with such modifications as the circumstances require.

155. *Clause 307, page 204:* Replace lines 41 to 43 with the following:

“in subsection 22.1(3);”.

156. *Clause 307:*

(a) *Page 204:* Replace line 40 with the following:

“tions of the Procurement Ombudsman referred to”; and

(b) *Page 205:* Replace line 7 with the following:

“Procurement Ombudsman may make in response”.

Your Committee has also made certain observations, which are appended to this report.

Respectfully submitted,

DONALD H. OLIVER
Chair

The Hon. the Speaker *pro tempore*: When shall this report be taken into consideration?

Senator Stratton: Honourable senators, I move that the report be placed on the Orders of the Day for consideration at the next sitting of the Senate.

After that is done, I will ask for leave to implement an instruction that the chair received from the committee.

The Hon. the Speaker *pro tempore*: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

On motion of Senator Stratton, report placed on the Orders of the Day for consideration at the next sitting of the Senate.

The Hon. the Speaker *pro tempore*: Is leave granted for Senator Stratton to read the instruction that the chairman received from the committee?

Hon. Senators: Agreed.

Senator Stratton: The committee has instructed the chair to ask that the observations of the report be printed as an appendix to the debates of this day. I therefore ask for leave that this be done.

The Hon. the Speaker *pro tempore*: Is leave granted, honourable senators?

Hon. Senators: Agreed.

(For text of observations, see Appendix, p. 989.)

The Senate adjourned until Monday, October 30, 2006, at 6 p.m.

APPENDIX

Observations to the Fourth Report of the Standing Senate Committee on Legal and Constitutional Affairs

I. Introduction

Throughout the course of Parliamentary history and regardless of the political stripe of the government in power, your committees have at times found that the claims of a government concerning a particular legislative initiative are not faithfully mirrored in the testimony of the witnesses called on to speak to the merits of the bill. This unfortunately has occurred once again with Bill C-2. The disconnect between claims and reality has been exacerbated in this case by the government's decision to emphasize form over substance in its determination to immediately table this extraordinarily complex and far reaching omnibus legislation as its very first legislative act upon assuming office.

When purely political imperatives are allowed to triumph over sound principles of governance, the public good is not well served.

Though we were advised by Minister Baird that the bill had come to the Senate only after having been "examined with a microscope" by his colleagues in the House of Commons, and "by a team of government lawyers...and constitutional experts," (3:11) we were subsequently told by the government to reconsider immediate passage of the bill as we had received it because it had 42 second thoughts, or amendments, that it needed to have made to the centerpiece of its legislative program. Apart from those amendments, there were another half dozen obvious drafting errors which escaped the attention of the microscope in the other place, but fortunately not of your Law Clerk.

Our examination of Bill C-2 also included testimony, where we heard from over 150 witnesses in 30 days of hearings. This process uncovered more than technical and drafting errors. Though we were told that the goal of the legislation is to bring greater transparency and overall accountability to government operations, witnesses testified that the effect of some of the proposed amendments to the existing law would have the perverse effect of achieving the opposite result. In fact, though the government claims that Bill C-2 is grounded in and follows the recommendations proposed by Justice John H. Gomery in his report, Professor Denis Saint-Martin of the University of Montreal testified that "the two are totally in opposite directions; in terms of recommending what needs to be fixed, the two approaches are totally different" (7:30).

In this report we wish to highlight some of the evidence that we heard as well as to draw specific attention to some of the more important amendments that need to be made if the Accountability Bill is to more closely live up to its name. Unfortunately this report is unable to provide full commentary on all of our proposed amendments. Nor is it able to document all the concerns brought forward by witnesses. This abbreviated report is a direct result of the government's insistence that Bill C-2 be put into force with haste. Under the circumstances, it is not possible to provide a comprehensive report on the full implications of a 214 page legislative proposal which amends over 40 existing statutes.

David Hutton, Coordinator of the Federal Accountability Initiative for Reform (FAIR) described the drafting process that was employed to craft Bill C-2 as "deeply flawed," and complained that the bill "is complex and is full of loopholes when you dig into it. I feel that the committees have been given an impossible task, namely trying to turn this into effective legislation that meets intent" (9:98). We could not agree more.

Although it is disappointing that the government has resorted to such a flawed process to craft this legislative response to the calls for greater accountability, that fact only reinforces the importance of the task we were assigned by the Senate. This report on Bill C-2 is another example of why Parliament relies on a "chamber of sober second thought" to review the sometimes unintended consequences of legislation and let the intercession of time and reflection play its role in helping attain good order and government for all Canadians.

II. Conflict of Interest and Ethics Commissioner

The first part of Bill C-2 covers conflict of interest and ethics issues for Parliamentarians and senior government officials, known as public office holders, who are appointed to their positions by the government through an Order of Cabinet (Governor in Council appointments). The bill proposes a stand-alone statute, namely the Conflict of Interest Act (CIA). This new Act would set out the duties, powers and responsibilities of the new Conflict of Interest and Ethics Commissioner in so far as Ministers, their staff and public office holders are concerned. The CIA would include a code of conduct these individuals would be required to follow.

Part I of Bill C-2 also makes amendments to the Parliament of Canada Act, which is the statute that establishes the appointment process for the current Ethics Commissioner, as well as the Senate Ethics Officer. Bill C-2 would eliminate both the Commissioner for the House of Commons and the Senate Ethics Officer positions and transfer their responsibilities to the new Conflict of Interest and Ethics Commissioner. Unlike the Code of Conduct for Public Office Holders, the codes of conduct for the members of the two Chambers will not be placed in the legislation, but rather will remain within the ambit of the Standing Orders and of the Rules of the respective Houses of Parliament.

The major change proposed in Part I of Bill C-2 is therefore the merging of the two current ethics positions into one, so that the new Conflict of Interest and Ethics Commissioner will have jurisdiction over all Members of the House of Commons, Senators and public office holders.

Your committee heard no convincing evidence to support this move to decrease the number of ethics officers from two to one, particularly when the government has stressed its commitment to strengthen the current regime. Your committee is far from convinced that placing into the hands of a single Commissioner the responsibility of overseeing three codes, of overseeing all members of the Senate and of the House of Commons, as well as thousands of public office holders, and then making him or her accountable to three separate and constitutionally independent authorities, i.e. the Executive, the House of Commons and the Senate, will enhance the existing system. The evidence we heard

does not support this proposal, either as a matter of parliamentary practice and privilege, the constitutional separation of powers, or even common sense. In fact, the evidence would favour three separate officers, giving each a separate and distinct area of responsibility. Nevertheless, if the House of Commons is comfortable with giving a single Ethics Commissioner responsibility for the oversight of their activities as well as oversight of the activities of individuals responsible to the Executive (Ministers and Order in Council Appointments), that is its prerogative. The Senate, however, has long taken the position that the separation of powers contained in our constitution clearly envisages the House of Commons and the Senate as separate and independent chambers. That independence needs to be reflected in the independence of those who support its functions, including a clearly independent and separate Senate Ethics Officer. Nothing in the evidence we heard has persuaded your committee that the Senate should reverse its long held and often expressed position. In fact, the evidence has made it clear that the current arrangement is working and working well. There was absolutely no testimony of any problem or difficulty with the existing system that would require change. In fact, the most persuasive testimony was that which warned about the negative consequences of what is being proposed in this respect.

Your committee does not believe it is necessary to enter into a lengthy discourse on the merits and advantages of a separate and independent Senate Ethics Officer in view of the lengthy debate that has already taken place over the years. One needs only examine the most recent proceedings around Bill C-4 in 2004 and Bill C-34 in 2003, where the merits and conclusions concerning an independent Senate Ethics Officer were strongly put by members on both sides of the Chamber. Consequently, your committee recommends that Bill C-2 be amended to keep in place the existing system in so far as the Senate Ethics Officer is concerned.

Unfortunately, Part I of Bill C-2 also makes several questionable proposals with respect to the duties and responsibilities of the new Commissioner in his or her dealings with public office holders that cause concern.

Many witnesses, led by the current Ethics Commissioner Bernard Shapiro and the former Ethics Counsellor Howard Wilson, believed it very important to include a preamble in the new Conflict of Interest Act, clearly setting out the guiding principles to be followed by public office holders in the performance of their duties. Such a preamble is in the current Prime Minister's Code for Public Office Holders, and has been in every Prime Minister's Code going back to the Right Honourable Brian Mulroney. We are unclear why, for the first time in 20 years, this practice will no longer be followed. *We urge the government to draft such a statement of guiding principles for public office holders and to add it as a preamble to the new Conflict of Interest Act.*

We are also very puzzled about why the definition of "conflict of interest" has been narrowed significantly by removing the words "apparent and potential", words that have found an important place in the codes that all Prime Ministers have put into place for their ministers and for their senior public office holders. Justice not only needs to be done, it also needs to be seen to be done, and this is nowhere more true than in the political environment. Consequently, your committee is amending Bill C-2 to ensure that the definition of conflict of interest includes apparent and potential conflict of interest.

In this same vein where appearances can be very important, your committee has concerns about section 44 of the proposed new Conflict of Interest Act. This section provides that a member of either Chamber of Parliament who has reasonable grounds to believe that a public office holder has contravened the Act may ask the Commissioner to examine the matter. The difficulty with the provision is that even if the Commissioner quickly concludes the request "was frivolous or vexatious or was made in bad faith" and discontinues the investigation, he/she must nevertheless produce a report, give it to the public office holder in question and to the complaining member of Parliament, as well as to the prime minister and then "make the report available to the public."

Your committee finds it difficult to understand why an accusation that was made privately and in bad faith, and then found to be without any merit whatsoever, needs to be repeated publicly by the Commissioner, thereby impugning the reputation of the blameless public office holder by raising an issue publicly that should never have been raised at all in the first place. Your committee recommends that under the circumstances described, the Report of the Commissioner would be provided to only the member who complained and to the public office holder complained of. The public office holder would then have the option, as the innocent party, of deciding whether it was necessary to publicly release the report of the Commissioner exonerating him/her from the scurrilous accusation. The potential for mischief in section 44 is compounded because it is worded to specifically apply to former office holders, thereby opening the door for members of one Parliament to launch "frivolous or vexatious... bad faith" complaints to the Commissioner about the public office holders associated with earlier Parliaments and administrations.

This naturally leads to the question about how far back in time one can go to complain about the behaviour of former public office holders. Though this question was not specifically addressed in the testimony we heard, section 65 of the proposed new Conflict of Interest Act states:

Proceedings under this Act may be taken at any time within but not later than five years after the day on which the Commissioner became aware of the subject-matter of the proceedings and, in any case, not later than ten years after the day on which the subject-matter of the proceeding arose.

Your committee has serious misgivings about a proposal whereby the Commissioner could wait up to five years after learning of a matter before instituting a proceeding, or in other words, before taking a prescribed action under the Act. Surely the Commissioner should be required to act more quickly after first learning of a problem. Similarly, being able to initiate actions for as long as 10 years in total following the event in question provides an inordinate length of time to pursue a matter, particularly when as we heard from former Chief Justice Antonio Lamer that the limitation period in Canada for summary conviction offences is normally only 6 months, according to the Criminal Code.

The proposed 5 year/10 year limitation period contained in section 65 of the new Conflict of Interest Act is repeated in the sections of Bill C-2 which amend the Canada Elections Act and the Lobbyists Registration Act. In all cases, your committee believes that those responsible for ensuring the enforcement of

these statutes should be expected to take the appropriate action within two years of learning of the difficulty, and certainly within seven years of the incident taking place. Justice should not be delayed.

Another provision in the proposed Conflict of Interest Act that causes your committee difficulty is section 43, which provides that the Prime Minister may obtain confidential advice from the Commissioner about the application of the new Act to individual public office holders. In normal circumstances this should not be a problem, but in a case where the Commissioner decides to conduct a full investigation into the conduct of a public office holder because of the serious nature of what the Prime Minister is requesting to know, any conclusion the Commissioner then reached and conveyed to the Prime Minister under section 43 would be kept secret. Even if the conclusion reached by the Commissioner was that serious wrong doing had taken place, the only person who would ever know under the Accountability Bill would be the Prime Minister.

While we agree that a Prime Minister should be able to seek and receive confidential advice from the Commissioner, we do not agree that in the circumstances described above the Prime Minister should be able to keep the information received from the Commissioner secret.

Your committee therefore has amended Bill C-2 so that where the Prime Minister requests confidential advice under section 43 and the Commissioner concludes, after conducting an investigation, that a breach of the Act has occurred, that conclusion must be publicly disclosed.

Your committee was surprised that in addition to seeking to keep all dealings with the Commissioner secret, the Prime Minister would be seeking to impose what amounts to a gag order on Members of Parliament concerning possible wrong doing by public office holders, which of course include his or her ministers. Sub sections 44(4) and (5) of the new CIA state that when a member of the Senate or House of Commons receives information "from the public... indicating that a public office holder or former public office holder has contravened this Act," the member, "while considering whether to bring that information to the attention of the Commissioner, shall not disclose that information to anyone." It would be a breach of the Act if the member sought advice from anyone whatsoever about what to do with this information, even advice from his Parliamentary colleagues or party leader. Furthermore, if the member then decided to bring the information to the attention of the Commissioner, subsection 44(5) goes on to say that "the member shall not disclose that information to anyone until the Commissioner has issued a report". There is no requirement that the Commissioner issue a report within a certain period of time.

This prohibition, or gag order, applies only to the Parliamentarians who receive the information from the public and not to anyone in the public itself.

Your committee finds this attempt by the "New Government of Canada" to muzzle Members of Parliament in order to prevent them from discussing with anyone information received from ordinary Canadians about possible wrongdoing by Members of Cabinet and other senior public office holders to be offensive in the extreme. Although we are hesitant about making recommendations that touch on the rights and privileges of the members of the House of Commons and recognize that its

members approved this restriction on their actions, your committee nevertheless believes that this prohibition offends the historic and essential privileges of all parliamentarians and must be removed.

III. Political Financing

The proposed changes to political financing contained in Bill C-2 were described by Minister Baird as building on major reforms that were put into place in 2003 in Bill C-24 by the former Chrétien Government (S.C. 2003, c.19). "[T]he measures adopted by the Thirty-seventh Parliament were good, and we are proposing to go farther" (3:50).

Your committee, however, is puzzled that the government would initiate these further changes without awaiting the results of the statutory review mandated by C-24. Bill C-24 was the most significant reform of political financing since the *Election Expenses Act* of 1974 and consequently contained a clause that called for a House of Commons Committee to conduct a review "to consider the effects of the provisions of this Act concerning political financing." According to s.63.1 of Bill C-24, that review would take place after the Chief Electoral Officer submitted his report to the House of Commons following the first general election held under the new financing rules. The first part of that report was tabled by Mr. Kingsley in September of 2005. He has said that he will present a second report that would deal with political financing reforms. However, instead of now awaiting Mr. Kingsley's report on political financing and having a review of those new financing laws by a House of Commons committee, as required in Bill C-24, the government has decided to bring forward major new changes to those same financing laws in this bill, without any review whatsoever. To now proceed with further significant changes without having the benefit of that review does not appear to be the most rational way of dealing with such a critical element of our democratic electoral process.

Your committee was even more surprised when after being asked whether the government had done any comparative studies on how other jurisdictions treat political donations, Minister Baird replied: "We did not do a provincial comparison." (3:26). Mr. Leslie Seidle, the former Senior Research Director at Elections Canada, and now with the Institute for Research on Public Policy expressed the view that "If no comparisons were done with provincial experience, I wonder what has happened to our policy development within the Government of Canada" (7:122).

Perhaps the reason that a formal provincial comparison was not undertaken was because the government already knew that the contribution limits it was proposing in Bill C-2 federally were not in line with what now exists provincially.

Currently, at the federal level, individuals are permitted contribute a maximum of:

1. \$5,000 to a registered political party and its constituency association collectively in a calendar year
2. \$5,000 to a non-registered party candidate in a particular election; and
3. \$5,000 to leadership contestants in a particular leadership contest

Unions and corporations are allowed to contribute a maximum of \$1,000 in any calendar year to local constituencies and candidates collectively.

Bill C-2 would prohibit all union and corporate donations and would significantly reduce the amounts individuals are able to contribute to political parties and their candidates. Instead of the current \$5,000 limit, Canadians would be able to contribute a maximum of \$1,000 to leadership hopefuls as well as to candidates of unregistered parties. The current maximum of \$5,000 for registered parties, their candidates and constituencies would be reduced to \$2,000, to be equally divided between the party itself and between the local constituencies together with its candidate.

All these limits are well below what is permitted in virtually all provinces. In fact, several provinces have absolutely no contribution limits for political donations as can be seen from a comparative analysis conducted by the Library of Parliament which is attached as an appendix to this report. For those provinces that do have contribution restrictions, their limits are normally much higher than what is proposed in Bill C-2.

The limits in Alberta, for instance, for individuals wishing to contribute to the electoral process within their province during a provincial election would be up to 30 times higher than the limit of Canadians wishing to support the political party they thought could best represent their interest during a federal election. It is difficult to justify a measure producing such disparity, particularly when a scheduled federal review of the political financing system is cancelled in order to bring about this result.

Witnesses before your committee, especially representatives of smaller political parties, were concerned that the reduced political contribution limits would severely impair their ability to raise needed campaign funds. Some of the smaller political parties, in particular, noted that they are dependent upon relatively large contributions from a small number of contributors.

Will Arlow, of the Canadian Action Party, described the new limits as "punishing" and "as hostile to small parties" (6:60). Marvin Glass of the Communist Party of Canada opined that "The main point here is that this makes small parties a self-fulfilling prophecy. The proposals you make are almost guaranteed to keep us small" (6:87).

The government has failed to produce any evidence whatsoever that the existing limits are somehow undermining the electoral process at either the federal or the provincial level, where contribution limits are generally higher than those being proposed in Bill C-2. This failure of the government to support its proposals on electoral financing with any empirical evidence raises concerns about the true consequences of these major changes. Mr. Arthur Kroeger, chair of the Canadian Policy Research Networks and a former Deputy Minister in five federal government departments, told us:

What problem are we trying to solve? Were there abuses when the level was \$5,400? I do not know. I do not remember reading of any such abuses. Were there abuses that merit the reduced levels of contributions that were permitted by business and unions? If you cannot identify the problem that justifies a provision in the bill, then have you lost balance and have you pushed things too far? Those are

questions in my mind...Do we truly need to go that far to achieve good governance and are we risking harm? It is possible (3:107).

The reason for this concern is the important role political donations play in our democratic electoral system, and the importance of ensuring a balanced approach where adherents of all political parties can participate equally. The motivation behind measures to enhance the accountability of government and improve the electoral process should not be motivated by partisan political considerations, as was suggested by a number of our witnesses.

Professor Leslie A. Pal of Carleton University testified:

For me, as a matter of democratic practice, one of the most fundamental aspects of democracy is for people to be able to support political parties and other representatives of their political interests...The political party in power has a better capacity to raise individual donations as compared with its competitors. Speaking frankly, the introduction of these limits plays well politically. It also plays well strategically to the capacities of the current government (4:12).

Your committee believes that reductions proposed in this legislation need to be ameliorated, particularly after hearing the virtually unanimous testimony from the representatives of the smaller political parties about the serious harm these limits would do to their ability to participate in the political process. Consequently, the contribution limits to leadership contestants and to candidates of unregistered parties should be decreased to \$2,000 instead of to \$1,000 as proposed in Bill C-2. Likewise, the contributions limit for registered political parties should be \$2,000, as well as for local constituencies and their candidates. Furthermore, to clarify the problem some parties are having in determining whether to include their convention fees as political contributions, the \$2,000 limit for registered political parties should explicitly state, for greater certainty, that this limit does indeed include convention fees, as has been intimated by Mr. Jean Pierre Kingsley, Canada's Chief Electoral Officer.

This bill proposes to eliminate in its entirety the already modest amounts unions and corporations may donate at the local constituency level. *Your committee recommends that the government reconsider this ban, particularly in view of the evidence presented by the smaller parties who it appears may be inordinately affected.* In addition, Pierre F. Côté, for almost 20 years, the former Chief Electoral Officer of Quebec expressed his opinion that in mirroring the corporate and union bans that were instituted in his province in 1977, this legislation "seems to want to repeat the same mistakes" (6:114). Finally, questions were raised by our witnesses about the constitutionality of this provision, including by Professor Errol P. Mendes, of the Faculty of Law at the University of Ottawa who feared that they offended our Charter of Rights and Freedoms. *In light of what we heard, your committee believes that this total ban on union and corporate contributions needs to be carefully re-examined in a larger review that the government should initiate into political financing, as was provided for in Bill C-24.*

As a final note on this issue, your committee is surprised that a government, whose party was able to grow from very modest beginnings to its current position of strength by taking full advantage of the existing party financing laws would now, upon

attaining power, propose to change those same laws to the clear detriment of today's smaller parties. Some of these smaller parties are today attempting to spark public movements much as the early Reform Party adherents did years ago. One would have thought that those individuals in Canada's New Government who trace their heritage back to the early days of the Reform Party would have some empathy for those now struggling with the same challenges they faced and would not intentionally add to their already considerable burdens.

IV. Lobbying

Bill C-2 would impose numerous and onerous new filing obligations on individuals, corporations and organizations that lobby the federal government. It would also impose a 5-year ban on former ministers, ministerial staff and certain senior public servants from engaging in lobbying activities.

Your Committee heard testimony from witnesses across the political spectrum. The common refrain was that the 5-year ban is excessive, unwarranted and will have the effect of depriving the government of the services of capable, qualified Canadians who will not wish to face such a ban after they leave public service. Notably, none of the witnesses would themselves be affected by this policy. In fact, the bill is in their self-interest because the effect of the changes would be to reduce future competition.

We share the strong reservations of these witnesses about the wisdom of this policy choice. However, we also recognize that this is a policy that was an important plank of the Government's platform in the recent election. Accordingly, we do not propose any amendment to this 5-year ban. However, we urge the Government to monitor the impact of this policy, both on former public servants and on the Government's continued ability to attract highly qualified individuals to government service.

The last set of major amendments to the current law, the *Lobbyists Registration Act*, have been in force only since 2003. Parliament had not yet even reached the time for the planned 5-year review of that Act, before the current Government proposed to change it with Bill C-2. Your Committee heard repeatedly that the real problems do not arise from defects with the law as it currently exists, but from those individuals and organizations that do not comply with the law — the unregistered lobbyists.

We regret that Bill C-2 does not address this problem. Your Committee tried to hear from advocacy groups that are not registered lobbyists under the current Act. We invited the National Citizens Coalition to appear before us. We wanted to better understand why large organizations such as the National Citizens Coalition whose relentless advocacy initiatives would be seen as lobbying by most Canadians are not registered as lobbyists under the Act. Their testimony could have assisted us in assessing how best to approach the problem that had been repeatedly identified to us by witnesses. To our disappointment, they declined our invitation to appear and would not publicly testify.

We urge the Government to consider this problem of unregistered lobbyists which was also identified by Mr. Justice Gomery as an issue of concern. For example, we note that while the Act is being renamed "the *Lobbying Act*", and the new agent of Parliament created under the Act is named "the Commissioner of

Lobbying," and "lobbyists" and "lobbying" are used repeatedly in headings and marginal notes throughout the proposed Act, nevertheless the terms "lobbying" and "lobbyist" are not defined anywhere in the legislation. We recognize the difficulties in defining these terms, but wonder if this absence is a loophole that enables individuals and organizations to avoid registration while advocating for causes in a manner that most Canadians would see as lobbying under the common sense meaning of the word.

Your Committee believes that true transparency requires that the public have the ability to know which individuals, corporations and organizations have and use access to Government for professional reasons; for reasons that extend beyond their own narrow, individual, self-interests. **We urge the Government to consider defining the terms, and ensure that the Act is respected and complied with by all appropriate advocacy groups that lobby the government.**

Witnesses before your Committee also identified the problem of firms that enter into contracts with particular government departments to provide policy assistance, and who then lobby those same officials on behalf of private clients. As a witness who spoke to us on this point said, "You can play around with the language of firewalls all you want, but anything short of a complete prohibition would simply be chasing your tail." (11:68) We were disappointed to see that nothing in Bill C-2 even attempts to address this problem. Your Committee is proposing an amendment that would prohibit this activity.

Your Committee is in the difficult situation of being asked to pass a bill where critical details will be set out in regulations, yet no one who appeared before us was in a position to tell us what these regulations will provide. The Government's urgency in having Parliament pass Bill C-2 has not been reflected in its treatment of the necessary regulations, which may not be available until June 2007. As Mr. Alain Pineau, National Director of the Canadian Conference of the Arts, told us:

A briefing session was organized under the leadership of Mr. Perrin Beatty of the Canadian Manufacturers and Exporters. There were about 15 people in the room. It was made clear to us that the legislation had been put together at incredible speed, that it was extremely complex and that they could not answer many of the questions addressed to them. They kept saying, "Well, you will see that in the regulations, and according to the timetable under which we are working now, you will know in detail what you will have to report probably by June 2007. (11:45)

We also heard extensive testimony about the anticipated burden of the new reporting requirements that would be imposed under this bill on everyone who has dealings with the government. We are concerned that individuals and organizations with the greatest knowledge of particular issues, who historically have been happy to share their knowledge and expertise with government officials charged with developing public policy in a particular area, will now be reluctant to engage in the public policy-making process because of this new regulatory minefield.

Policy-makers may find themselves hearing the views only of those organizations that have the resources to be able to file the reports required under the law. Businesses with pockets deep enough to afford their own full-time lobbyists, whether in-house

or not, who are equipped to make the required filings, may not accurately represent the full spectrum of issues and policy options. Canadian public policy development will not be well served if they come to hold even more sway in government circles, as some of our witnesses feared they would under this legislation.

A related concern is the impact these reporting requirements will have on not-for-profit organizations, many of which already struggle to do their work with limited resources. We agree that it is important to see, through the registration and filing process, who is being given access to our decision-makers, and how much access they are able to obtain from decision-makers. However *we are concerned that this bill, which claims to be about openness and transparency, in fact will limit dissenting voices and keep Canadians — except those wealthy individuals, corporations and organizations that can bear the cost of complying with the law (or choose to interpret the law as not applying to them) — away from the very government which is there to serve them.*

Another frequently heard concern was that the reporting obligations will not adequately protect commercially sensitive and confidential information, giving competitors an unfair advantage. We believe that this is an issue that, together with others, can be addressed in carefully drafted regulations. We note, however, the lack of consultation that preceded the tabling of Bill C-2. This must not be repeated during the drafting of the regulations. The Government has an obligation to consult with those who will be directly affected by this law, to ensure that the goals of accountability and transparency are attained without damaging their legitimate interests.

Your Committee has three final comments with respect to the new 5-year ban on lobbying for former senior public office holders. We were surprised to see that Bill C-2 would have made it significantly more difficult for former senior public office holders to join organizations such as not-for-profit organizations, than to leave office and join corporations. As drafted, the 5-year ban distinguishes between the two. Guy Giorno, former Chief of Staff and Counsel to then-Premier of Ontario Mike Harris, described the problem in the bill as follows: "A senior public office holder who goes to a not-for-profit or a partnership and spends 1 per cent of his time lobbying would be covered [by the ban], whereas one who goes to work for a corporation and spends 19.999 per cent of his time lobbying would not be covered." (11:37) This is wrong. Like Mr. Giorno, we believe this was not intentional, but rather another example of the too-hasty drafting of Bill C-2. We propose amending this provision, to apply the same standard to organizations that would be applied to corporations.

We were concerned to see possible inconsistencies between the lobbying prohibitions set out in the new *Lobbying Act* and those contained in the post-employment provisions of the new *Conflict of Interest Act*. We suspect this overlap and possible inconsistency is also the result of the exceptionally short time frame in which this lengthy, complex bill was drafted and examined in the other place. We are advised that the provisions of the two Acts on this issue are cumulative, and should not, as we fear, result in "forum-shopping" for the best result from either the *Conflict of Interest* and *Ethics Commissioner* and *Commissioner of Lobbying*, each of whom has authority to grant exemptions to the lobbying prohibitions under his or her own Act. We expect the Government to monitor this closely.

Finally, we wonder why former members of the Senate and House of Commons are not included in the 5-year lobbying ban. As a witness asked rhetorically, "You are trying to tell me that a 20-year old staffer who is keeping a minister's schedule is banking political currency at a rate that exceeds that of a backbencher?" (11:77) We agree. We are not convinced, as stated above, that the 5-year ban is the right policy choice. But if it is determined that it is sensible and necessary, and has not had the effect of deterring Canadians from public service, then we propose that consideration be given to extending it to former members of the Senate and House of Commons, as well.

V. Access to Information Act and Privacy Act

Senator Stratton: What I want is a general agreement or concurrence with what is the intent of what we are doing here with this bill.

Alan Leadbeater, Deputy Information Commissioner: ...No, I do not agree with your general premise that this will increase accountability. This is smoke and mirrors. (8:26)

It is probably fair to say that the most difficult parts of Bill C-2, both to properly understand and then to attempt to fix, are the amendments to the *Access to Information and Privacy Acts*. The Conservative Party, made much of its intent to "force the government to open its windows" during the recent election campaign. However, it became patently clear to your Committee during the weeks of testimony on Bill C-2, that immediately upon assuming power, "Canada's New Government" did its best to slam all windows and doors shut.

The amendments to the *Access to Information Act* seem drafted to confound and mystify, with provisions scattered throughout the 214-page bill. Exceptions are grafted upon exceptions, and there is strangely divergent treatment of apparently similar information, depending where it is held in the government. The bottom line, though, is clear: instead of legislating openness and transparency, this Conservative Government is attempting to legislate shadows and secrecy. In many cases, information was to be kept secret forever — protection greater than that afforded Cabinet documents, and one designed to facilitate unprecedented control over the Canadian public's right to know about the actions of its government. The provisions would extend to future generations of Canadians, and rob them of their ability to discover their history.

Trying to bring coherence to this complex web of amendments was probably the most difficult task before your Committee. In brief, our amendments do the following:

Your Committee would amend s. 4(2.1) of the *Access to Information Act* to include an obligation for the heads of government institutions to respond to access requests on a timely basis. This responds to testimony heard about the length of time it frequently takes the government to respond to requests. The Canadian public is not well served when requests for information are not answered until a year — and in at least one case, two years — after they are made.

We also introduced a general "public interest override" clause, that will authorize the disclosure of information where it is clearly in the public interest to do so. Your Committee heard a number

of witnesses who spoke of the value of such a provision. It has worked well in a number of provincial access to information statutes. We believe it is an important statement of principle and a critical addition to the bill.

We heard a great deal of evidence about the differing treatment under Bill C-2 of the various Officers or Agents of Parliament. The Bill would have opened up the records of some, while burying records of others indefinitely. Your Committee believes that this is wrong. Our amendments seek to treat all Officers and Agents of Parliament the same. They will open access to records created by or on behalf of the various officers and agents of Parliament in the course of investigations and audits once the investigation or audit and all related proceedings are concluded. This includes access to draft audits and working papers, including those of the Auditor General.

We appreciate the concerns expressed by the Auditor General about the risks of opening a draft to public scrutiny. We are confident that these risks can be managed. Most importantly, experience has demonstrated the value of public access to such documents. Accordingly, we have concluded that the draft audits and working papers should be accessible after the audit and all related proceedings have been completed.

We also introduced amendments to similarly open up draft documents and working papers related to internal audits. These kinds of records have proven indispensable in the past. Canadians should have access to them once the audit has been completed.

As noted above, your Committee was surprised to see that different officers or agents of Parliament were treated differently under Bill C-2. Under our amendments, this will change. The exceptions carved out by Bill C-2 for the Auditor General and the Commissioner of Official Languages will no longer apply, and our amendments would bring the Commissioner of Lobbying within the same regime.

Your Committee struggled with the appropriate level of access should be provided with respect to the work of the new Public Sector Integrity Commissioner. We noted the representations from whistleblowers themselves and from the current Public Service Integrity Officer, telling us that Bill C-2 provided excessive secrecy and would prevent Canadians learning about wrongdoings in government. At the same time, we were concerned to ensure that public servants would be assured of the necessary protection throughout the process. Our amendments follow the approach proposed by Dr. Keyserlingk, the current Public Service Integrity Officer, and seeks to strike the right balance between these competing concerns.

One aspect of Bill C-2 that was generally regarded as an advance was the decision to bring Crown corporations and foundations within the umbrella of the *Access to Information Act*. However, your Committee was however concerned to discover the almost haphazard way in which certain organizations were brought within the scope of the Act, while others were excluded. Certain protections were afforded some entities but denied to others engaged in the same activities and sometimes dealing with the same information. This made no sense to us.

We heard from the Sustainable Development Technology Foundation, an organization that works with Canadian

businesses to bring clean innovative technologies to market. This Foundation was never consulted during the drafting of Bill C-2 and first learned that they were being brought under its umbrella when the bill was tabled in the House of Commons. No protection was afforded for the trade secrets and commercial and proprietary information of the Canadian businesses with which they work.

This was particularly strange, as the Foundation funds companies that later often turn, at a subsequent stage of commercialization and development, to the Business Development Bank of Canada for assistance. Provisions in the Act already protect trade secrets and commercial and proprietary information in the hands of the Business Development Bank. It is passing strange to acknowledge that such information is to be protected at the later stage, while forcing its disclosure — including to potential competitors — at an earlier stage of the process, when in the hands of the Sustainable Development Technology Foundation. Our amendments correct this anomaly and bring the protections in line.

Perhaps the most disturbing testimony we heard concerned the treatment of the National Arts Centre and the Canadian Wheat Board. Both appear to have been the unfortunate victims of partisan politics during the highly-pressured consideration of Bill C-2 in the House of Commons.

The National Arts Centre knew that for the first time, it was going to be brought within the scope of the *Access to Information Act*. A special provision was originally included in Bill C-2 to allow it to keep confidential the terms of its contracts with performers, and also its list of confidential donors. Such a clause was in the bill at first reading in the House of Commons. Representatives of the National Arts Centre appeared before the legislative committee studying Bill C-2 in the House of Commons, and all appeared to be in order. The NAC later learned that this clause was deleted. Jayne Watson, Director of Communications and Public Affairs for the National Arts Centre described for us what happened:

Ms. Watson: I was present at the committee. As Ms. Foster noted, the committee appeared to go well. We had no opposition at all. A member of the committee who was not present during our presentation, Member of Parliament Pat Martin, showed up at a later point in the committee and proposed this amendment. The amendment was voted on and accepted. It completely caught us off guard, because we had been warmly received by the committee at that time.

Senator Day: We need more information. Mr. Martin heard none of the debate, none of the discussions, and he came in late in the event and proposed an amendment. Did he tell you why? Did he tell you he did not like the National Arts Centre?

Ms. Watson: No. I called Mr. Martin afterwards and tried to find out from him what his reasoning was, but I was not able to determine the thought process. (8:11)

We examined the clause as originally proposed for the National Arts Centre. We agree that it is critical for an arts organization to be able to assure donors who wish to remain anonymous that their confidence will be respected and upheld. We similarly

understand the need to be able to withhold the terms of contracts the NAC negotiates with performers. We do not understand why this clause was deleted, nor was any explanation provided to us. Accordingly, your Committee proposes reinstating the protective provision for the National Arts Centre.

The situation was not dissimilar with respect to the Canadian Wheat Board. That organization — which we were told receives no federal government funding in the normal course — was not part of the *Access to Information Act* when Bill C-2 was originally tabled in the House of Commons. The Board did not appear before the legislative committee studying the bill. It saw no reason to make representations, as the Bill would not apply to its activities. With no consultation, they learned after the fact that they had been added to the Act pursuant to a motion introduced by the same Member of Parliament, Mr. Pat Martin.

We agree with the Canadian Wheat Board that it should not be subject to the *Access to Information Act*. It does not receive any public funding. It is neither an agent of the Crown nor a Crown corporation. We believe that the Canadian Wheat Board, like the NAC, was added to the Schedule for unfathomable reasons. That is not how public policy should be made in this country. Your Committee proposes amend the Bill to remove the Canadian Wheat Board from the *Access to Information Act*.

We are also concerned that as drafted, the *Access to Information Act* would apply retroactively to all information held by the various entities now being brought under the Act, no matter when or how that information came into their possession. We are concerned that businesses or individuals may have provided information, even years ago, to an organization, confident in the belief that the information would be kept confidential. To change the rules now would be wrong. As a matter of principle, we believe that laws should have a retroactive application or effect only rarely and only because of compelling reasons. NO such reasons were advanced to us. Consequently, your Committee has amended the Bill to provide that the *Access to Information Act* will only apply to these new entities with respect to information they create or obtain after the date the entity becomes subject to the Act.

In addition to these major amendments we propose to the *Access to Information Act* provisions of Bill C-2, we have the following observations.

We noted that the Privacy Commissioner and the Information Commissioner are each now subject to their own acts, namely the *Privacy Act* and the *Access to Information Act*. However, as the Privacy Commissioner told us, no provision has yet been made for circumstances where there may be a complaint about the Commissioner under his/her own statute. The Commissioner should not be placed in a position to examine a complaint against his or her own office. *We join with the Privacy Commissioner in urging the Government to delay the entry into force of these measures until an appropriate mechanism to address this situation is identified and in place.*

Instead of introducing the package of amendments to the *Access to Information Act* that was promised by the Conservative Party of Canada during the last election, the current Government has tabled a discussion paper on reform of the Act. We appreciate the need for careful study of legislative proposals and are pleased

that this Government is prepared, at least in the matter of the *Access to Information Act*, to give Parliament the time it needs to study a proposal. We hope, however, that the government will not use this study as an excuse to delay unduly the introduction of a full package of necessary amendments to the Act.

We urge the Government to ensure consistency in the treatment of various entities. The experience of Sustainable Development Technology Canada provides a cautionary tale of the problems that can result from inconsistent treatment.

During our hearings we heard that only 49 of the 246 Crown corporations, agencies and foundations will be covered by the *Access to Information Act*. As one witness told us:

[W]hy are the Canadian Blood Agency and the Nuclear Waste Management Organization not covered by the *Access to Information Act*? These organizations deal with subjects vital to the public's health and safety and are not profit driven. Even the Seaborne panel that set up the nuclear waste agency advised that it be covered by the *Access to Information Act*, but it never was. The decision seems to be, to use an old cliché, a no-brainer. (8:200)

We note that under the Bill, the Governor in Council is authorized to make regulations prescribing criteria for adding a body or office to the Schedule of other government institutions. We believe, and the experience of the Canadian Wheat Board with Bill C-2 underscores the need for this. The criteria should be set out in legislation so that it can be fully considered and debated by both Houses of Parliament.

During your Committee's study of Bill C-2, there were press reports suggesting that the identity of a person who requested access to information under the Act, had been shared among government officials who were reviewing the request, including members of ministers' staffs. We believe that Canadians have the right to request information from their Government without people in political positions knowing who they are. This is a central principle of our *Access to Information Act* and a critical element of our privacy protections. We strongly condemn any actions by government officials — whether political staffs of ministers or members of the public service — that violate these principles. We urge the Government to ensure that the provisions of the law are known, understood and upheld by all.

Bill C-2 also introduces amendments to the *Privacy Act*. The Privacy Commissioner (who, like the Information Commissioner, was not consulted during the drafting of Bill C-2) appeared before your Committee. She stressed that "privacy is key to achieving the goal of greater accountability in government. Bill C-2 makes some amendments to the *Privacy Act*, but much more needs to be done to make this nearly 25-year old law meet modern privacy requirements. A real *Privacy Act* reform is a pre-condition for achieving true government accountability and transparency." (8:135)

Because the *Privacy Act* is so out-dated, the Commissioner found herself in the unusual position of arguing that Crown corporations not be brought within the *Privacy Act*, as Bill C-2 proposes, but rather left where they are, so they fall within the modern private sector privacy statute, the *Personal Information Protection and Electronic Documents Act* (PIPEDA).

We urge the government to make it a priority to work closely with the Privacy Commissioner — not to exclude her, as happened in the drafting of Bill C-2 — and to modernize the *Privacy Act* by taking action on the report the Privacy Commissioner tabled with the House of Commons Standing Committee on Access to Information, Privacy and Ethics in June.

VI. Whistleblower Protection

The *Public Servants Disclosure Protection Act* (Bill C-11), prepared by the previous Government, was passed by the last Parliament, after extensive study, on November 25, 2005, immediately before the dissolution of Parliament. Almost one year has passed since then, yet the current Government has refused to proclaim that Act into force. As Michelle Demers, President of the Professional Institute of the Public Service of Canada, told your Committee:

While there are many changes [in Bill C-2] we support, we must point out that Bill C-11, the *Public Servants Disclosure Protection Act*, which received Royal Assent last year, remains unproclaimed and without effect. We have fought for these protections for more than 15 years and have watched many initiatives come and go with the fortunes of politics. Had Bill C-11 been proclaimed, at least our members would have been protected. (10:109)

The current Government has regrettably refused to proclaim the Act into force, holding its protections hostage to the fate of Bill C-2, while accusing the Senate of Canada and your Committee of “foot-dragging” to impede Bill C-2’s “significant reform in...improved protections for whistleblowers.” [Minister John Baird, “An achievement in foot-dragging”, *Ottawa Citizen*, October 21, 2006.] This is simply false and an affront to those courageous Canadians who have stepped forward to disclose wrongdoings. In point of fact, we heard during our hearings, Bill C-2 characterized as a “cruel delusion” in its whistle-blowing protection (9:108). Joanna Gualtieri, Director of the Federal Accountability Initiative for Reform (FAIR) and one of the most prominent, determined and passionate advocates for whistleblower protection in Canadian history, told your Committee:

I have reflected on the fact that it has been said that the senators really must pass this bill because, if they do not, they will be seen to be turning their backs on accountability. We genuinely believe that the Senate’s finest hour will be found in being proponents of accountability. That will be done by getting back to the drawing board and doing this right. We have waited a long time for whistle-blowing protection. The public service and Canadians are dependent on you to implement this correctly. (9:98)

Your Committee was conscious of the long delays already suffered in making federal whistleblower protection a reality. Accordingly, we focused our amendments on those provisions that we believe are the most critical.

Minister John Baird wrote in the *Ottawa Citizen* that under Bill C-2, the *Public Servants Disclosure Protection Act* “will be extended to all federal bodies.” This is false. The Communications Security Establishment and the Canadian Security Intelligence Service would not be covered. Your Committee believes this is wrong. Our amendments will make

good on that promise, and extend the protection of the *Public Servants Disclosure Protection Act* to members of these federal bodies. In the post 9/11 world, particularly in light of the significant additional expenditures on defence and security, we want assurance that our counter-terrorism agencies are operating scrupulously within the law. We want members of CSIS and CSE to feel confident in coming forward to report any wrongdoing.

Your Committee also proposes replacing the current definition of “reprisal” with a broader, open-ended one. This amendment, first identified by Mr. Justice Gomery but ignored by the current Government, was characterized as “critical” by Ms. Gualtieri, and emphatically supported by Allan Cutler, another prominent Canadian whistleblower. We remain puzzled about why the government would have dismissed Mr. Justice Gomery’s recommendation and instead proposed a much more restrictive definition of what constitutes reprisals by employers against whistleblowers.

Our amendments will also reverse the onus in cases involving reprisals. We recognize that just as there are a myriad of ways in which an employer can take reprisal against an employee disclosing wrongdoing, so are there many ways an employer can credibly claim that what is being done is not reprisal. Our amendment would provide that if the action complained of occurs within a year of the protected disclosure, then it is presumed to be a reprisal, and the burden of proving that it was not shifts to the employer.

Bill C-2 imposes a 60-day limitation period for a public servant to file a complaint. This was described to us as far too short a time. Mr. Cutler told us, “A good employee, who has goodwill, will run out of the time period because management has great power and ability to stall and use up all the time. Sixty days is not enough, and that must be fixed.” Our amendment extends this to one year.

Your Committee was dismayed to see that Bill C-2 imposed a statutory upper limit of \$10,000 on the damages that could be awarded by the new Public Servants Disclosure Protection Tribunal for pain and suffering. Ms. Gualtieri described this provision as “another provision in the bill that is an assault on public servants.” (9:123) Your Committee has amended this provision to remove the statutory upper limit, and leave the assessment of these damages to the discretion of the Tribunal.

We were also taken aback to see the limits on fees for legal advice that the Commissioner could order reimbursed to whistleblowers. Subsections 25.1(4) and (5) would have imposed a cap of \$1,500 that could be reimbursed to a whistleblower for legal advice; in “exceptional circumstances” this could be raised to \$3,000, under subsection 25.1(6).

As Ms. Gualtieri said, this is “surreal”. While we recognize that awards are unlikely to truly allay the cost of legal advice, your Committee has proposed, as a means to somewhat “level the playing field” between the whistleblower and the employer, that the Commissioner be authorized to order reimbursement for legal advice in an amount equivalent to that provided in Treasury Board guidelines.

Your Committee has also adopted a number of the recommended amendments put forward by Dr. Edward W. Keyserlingk, the current Public Sector Integrity Officer. We

were disheartened to hear that Dr. Keyserlingk, like the vast majority of the officers, agents and advisers who now serve Parliament and the Executive in the areas covered by Bill C-2, was not consulted by the drafters of the bill for advice and input during its preparation. Insofar as we could, we have sought to rectify this, and incorporated many of his proposed amendments.

Giving effect to his recommendation, however, for procedural reasons, was not always possible. For example, it was proposed by Dr. Keyserlingk and others, that we amend the bill to allow private sector contractors and grant recipients access to the federal Commissioner to file a complaint and to receive remedial orders from the Tribunal. The Conservative Party had promised in its election platform that it would include this protection in whistleblower legislation. It was conspicuously absent from Bill C-2, and because of this, your Committee is advised that such an amendment would now be beyond the scope of the bill and therefore outside our power to introduce. In addition, questions of the enforceability of these provisions were raised. In the circumstances, *we do not propose this amendment at this time, but strongly urge the Government to explore ways in which this protection could be so extended, including in the standard contractual terms for contractors and grant recipients.*

To conclude with this part of the Bill C-2 package, your Committee heard powerful testimony from witnesses who clearly felt betrayed by the contents of this legislation. Promises had been made that were then ignored when the bill was drafted. Thought the Government, as recently as a few days ago sought to perpetuate the myth that Bill C-2 “would give real protection for whistleblowers,” the testimony heard by your Committee told a very different story.

VII. Public Appointments Commission

Bill C-2 would authorize the Governor in Council to establish a Public Appointments Commission to oversee, monitor, review and report on the selection process for Governor in Council appointments.

Your Committee was regrettably unable to study this proposal as thoroughly as it wished. We asked four Deputy Ministers to appear before us, so that we could learn about the appointment process that is currently in place. The Government failed to produce any of the four requested Deputy Ministers. While we understand that scheduling issues are always a concern, we were disappointed that the Government, while proclaiming Bill C-2 to be of the highest priority and urgency, nevertheless failed to produce a single requested Deputy Minister to speak to this issue.

We support the proposal of a Public Appointments Commission. As mandated in Bill C-2, the Commission would not be responsible for vetting particular appointments, but rather would be responsible for establishing a “fair, open and transparent” appointments process, and ensuring that all appointments are based on merit. The credibility and success of this Commission will depend in large part on the quality of the code of practice they establish. There is no statutory requirement that this Code be placed before Parliament or the public. *We urge the Government to make this Code public, as soon as it has been prepared, so that the public and Parliamentarians may review it and make representations on its merits or anticipated problems. It*

would be questionable at best to seek to open up the appointments process to greater transparency and accountability, while failing to allow Canadians to see and comment upon the Code proposed to govern that process.

The major amendment we have made to these sections of Bill C-2 is to require that the Commission be established. We are aware of press reports that suggest that because the first candidate put forward by the Prime Minister to chair this Commission was not acceptable to the committee in the House of Commons who reviewed that proposal, the Prime Minister will use his discretion and simply not establish the Commission. We believe that is wrong. Bill C-2 includes provisions for the establishment of the Public Appointments Commission; we have been told throughout our deliberations that this Bill is a priority for the Government, and “a central portion of the new Government’s agenda”. We take the Government at its word that the proposed Commission is important to ensure accountability and transparency in the appointments process. If so, then the Act should make it mandatory that the Commission in fact is established, and not left to the discretion of the Prime Minister.

VIII. Director of Public Prosecutions

Your Committee heard testimony that raised doubts about the merits of establishing the new Director of Public Prosecutions. The first testimony we heard on the issue was from Arthur Kroeger, chair of the Canadian Policy Research Networks and former Deputy Minister in five federal government departments. He told us:

If the legislation had been written by a government with more experience in office, it may not have some items in it that it does, which I will explain in a minute. There is the other problem that some of the contents of legislation were, I think, developed during an election campaign, and there is always a risk of a bit of overkill for the sake of achieving a public effect during an electoral contest, which is readily understandable. The director of public prosecutions, to which you refer, is a good example of measures where the bill goes fairly far and adds some items. I am not clear as to what problem it intends to solve. You have a deputy minister of justice; you have an assistant deputy minister, whose function is prosecutions. Virtually, all prosecution is handled under the Criminal Code and administered by the provinces. I am puzzled as to why the position was necessary, and, in particular, if you already have a deputy minister of justice, why would you create a second deputy minister position to manage a function that, at least viewed from outside, seems to be rather limited. That is an example where it might have come out differently had people of more experience been directly involved in writing the legislation. There may be a problem there that I am not aware of, but I was puzzled by that particular position. (3:100)

The Minister of Justice admitted that there is no problem with prosecutorial independence at the federal level. He testified, “The men and women who constitute the Federal Prosecution Service have been faithful guardians of prosecutorial independence. We are not here to correct a problem that has already occurred; we are here to prevent problems from arising in the future.” (3:130)

The new Director of Public Prosecutions would not only be responsible for prosecutions that traditionally were handled by the federal prosecutorial service. Under Bill C-2, responsibility for all prosecutions under the *Canada Elections Act* would be taken away from the Commissioner of Elections, and given instead to the new Director of Public Prosecutions.

The Commissioner of Elections is appointed by the independent Officer of Parliament, the Chief Electoral Officer of Canada. Together they form the backbone of Elections Canada. The Commissioner's integrity and impartiality has never been impugned. Elections Canada is highly respected throughout Canada and around the world. Dr. Peter Aucoin, who appeared before your Committee as a witness, wrote a recent paper for the Organization of American States, in which he discussed the Commissioner's role in enforcement of the elections system. He then continued, "The Chief Electoral Officer/Elections Canada structure has long been an established and respected institution in the electoral process. Their independence of government and impartiality in respect to partisan politics is universally accepted, or at least as nearly universal as can be in a partisan-political environment. The staff of Elections Canada is professional and technically competent."

We agree. We asked the Chief Electoral Officer, Jean-Pierre Kingsley, whether he personally feels that the proposed transfer from the Commissioner to the proposed Director of Public Prosecutions was necessary. He was unequivocal: "I do not personally think that such a change was necessary." (7:158) The Chief Electoral Officer of Canada elaborated, telling your Committee, "The bill does not address any particular matter that may have been problematic in the past for the commissioner." (7:158)

Once again, we had a solution in search of a problem and your Committee was confronted with a policy decision by the current Government whose merits seem questionable based on the testimony from expert witnesses. However, again we recognize that this policy was an important plank in the Conservative Party's platform in the recent election, and we are reluctant to reject it altogether. The former Chief Justice of Canada, Antonio Lamer, while pointing out to us that we have been living without a Director of Public Prosecutions at the federal level since Confederation, nevertheless suggested that the justice system cannot have too many eyes giving a "second look" to a proposed prosecution.

We were, however, concerned to see the proposed appointment process for the new Director of Public Prosecutions. The Government has suggested that the new Director of Public Prosecutions will ensure prosecutorial independence from political concerns or interference. In other words, the purpose is to de-politicize prosecutions beyond any doubt. However, when your Committee began to scrutinize the details of the proposed legislation, we were surprised to see the degree of control exercised by the Minister of Justice in his or her capacity as Attorney General, over the selection process for the person being chosen to serve in this position.

As proposed in Bill C-2, the Minister of Justice would have absolute control over the list of candidates for the position of Director of Public Prosecutions. The Minister would propose a list of 10 names; that list would then be passed to a selection

committee; and the selection committee would choose 3 candidates from the list — but pursuant to the statute, they could only choose from among the Minister's list. There are many excellent safeguards included in the Bill, including the carefully constructed composition of the selection committee, designed to achieve both a high level of legal knowledge and political impartiality, as well as the requirement for approval of the appointment by a parliamentary committee — but throughout the whole process, the choices and discretion are confined within the parameters set by the Minister, namely his or her list of 10 names.

Your Committee is proposing to amend this. We propose that the selection committee will compile the list of candidates, and then the process as set out in the Bill will continue, with the choice of final candidate made by the Minister and then referred to a parliamentary committee.

We also noted that the section was drafted to refer to approval by "a committee designated or established by Parliament for that purpose." This language is inaccurate under our parliamentary system, as "Parliament" does not designate or establish committees. We have corrected this language.

IX. Conclusion

Your committee was encouraged that when Minister Baird was asked whether the government "would be ready to receive amendments from the Senate," he concluded his response by saying: "if you have ideas and suggestions to make this bill a better bill, I welcome them" (3:50-1). Your committee firmly believes that the "ideas and suggestions" contained in this report would make this bill a better bill and would result in an Act that took a significant step forward in providing Canadians with greater transparency and accountability from their Government.

APPENDIX

LIBRARY OF PARLIAMENT

PROVINCIAL COMPARISONS OF POLITICAL CONTRIBUTION

LIMITS AND SOURCE RESTRICTIONS

NEWFOUNDLAND AND LABRADOR

Elections Act, 1991, S.N.L. 1992, c. E-3.1

A. Contribution Limits

- N/A

B. Source Restrictions or Prohibitions

- Individuals, corporations and trade unions can make contributions to registered parties and candidates (s. 282(1)).
- There is no mention of constituency associations, leadership contestants or nomination contestants.

PRINCE EDWARD ISLAND

Election Expenses Act, R.S.P.E.I. 1988, c. E. 2.01

A. Contribution Limits

- N/A

B. Source Restrictions or Prohibitions

- Contributions to registered parties and registered candidates may be made only by individuals, corporations and trade unions (s. 11(1)).

NOVA SCOTIA

Members and Public Employees Disclosure Act, S.N.S. c. 4

A. Contribution Limits

- N/A

B. Source Restrictions or Prohibitions

- Contributions may be made to a recognized party, a candidate and an electoral district association (s. 3(e)).
- Contributions may be made by individuals, partnerships, organizations, corporations, and unions (s. 8(b)).

NEW BRUNSWICK

Political Process Financing Act, S.N.B. 1978, c. P-9.3

A. Contribution Limits

- A maximum of \$6,000 during a calendar year to (s. 39(1)):
 - each registered political party or to a registered district association of that registered political party, and to
 - one registered independent candidate.

B. Source Restrictions or Prohibitions

- Individuals, corporations and trade unions may make the maximum contribution.
- Contributions may only be made to a registered political party, registered district association and to one registered independent candidate (ss. 37, 38).

QUEBEC

Election Act, R.S.Q. c. E-3.3

A. Contribution Limits

- A maximum of \$3,000 to each party, independent Member and independent candidate, collectively, during the same calendar year (s. 91).

B. Source Restrictions or Prohibitions

- Only individuals may make a contribution. (s. 87)

ONTARIO

Election Finances Act, R.S.O. 1990, c. E.7

A. Contribution Limits

- The maximum contributions a person, corporation or trade union may make are (s. 18(1)):
 - \$7,500 to each party in any calendar year, and in any campaign period, as if it were a separate calendar year;
 - \$1,000, in any calendar year to each constituency association;
 - an aggregate of \$5,000 to the constituency associations of any one party, in any calendar year;
 - \$1,000 to each candidate in any campaign period; and
 - an aggregate of \$5,000 to candidates endorsed by any one party, in any campaign period.

B. Source Restrictions or Prohibitions

- Individuals, corporations and trade unions may contribute to parties, candidates and constituency associations.

MANITOBA

Elections Finances Act, C.C.S.M. c. E32

A. Contribution Limits

- Individuals may contribute a maximum of:
 - \$3,000 in a calendar year, to candidates, constituency associations or registered political parties or any combination of them (s. 41(1.1));
 - \$3,000 to one or more leadership contestants during a leadership contest (s. 41(1.1.1)).

B. Source Restrictions or Prohibitions

- Only individuals may contribute to a candidate, constituency association, registered political party or leadership contestant (s. 41(1)).

SASKATCHEWAN

Election Act, 1996, S.S. 1996, c. E-6.01

A. Limit on Contribution Limits

- N/A

B. Source Restrictions or Prohibitions

- N/A (except for Canadian citizenship requirement)

ALBERTA

Election Finances and Contributions Disclosure Act, R.S.A. 2000, c. E-2

A. Contribution Limits

- Contributions by individuals, corporations, trade unions or employee organizations to registered parties, registered constituency associations or registered candidates must not exceed:
 - In any year (s. 17(1)(a)):
 - \$15,000 to each registered party;
 - \$1,000 to any registered constituency association; and
 - \$5,000 in the aggregate to the constituency associations of each registered party.
 - In any campaign period (s. 17(1)(b)):
 - \$30,000 to each registered party less any amount contributed to the party in that calendar year;
 - \$2,000 to any registered candidate; and
 - \$10,000 in the aggregate to the registered candidates of each registered party.

B. Source Restrictions or Prohibitions

- Contributions may be made by individuals, corporations, trade unions and employee organizations.

BRITISH COLUMBIA

Election Act, R.S.B.C. 1996, c. 106

A. Contribution Limits

- Registered political parties or constituency associations may accept a maximum of \$10,000 in permitted anonymous contributions (s. 188(1)).

- Candidates, leadership contestants and nomination contestants may accept a maximum of \$3,000 in permitted anonymous contributions (s. 188(2)).

B. Source Restrictions or Prohibitions

- An unregistered political party or unregistered constituency association and charitable organizations are not permitted to make a political contribution.

YUKON TERRITORY

Elections Act, R.S.Y. 2002, c. 63

A. Contribution Limits

- N/A

B. Source Restrictions or Prohibitions

- The wording of the relevant legislative provisions suggests that only registered political parties and candidates may receive contributions (ss. 370-385).

NORTHWEST TERRITORIES

Elections Act, R.S.N.W.T. 1988, c. E-2

A. Contribution Limits

- An individual or a corporation may contribute a maximum of \$1,500 to a candidate during a campaign period (168(2.1)).
- A candidate may contribute a maximum of \$30,000 of his or her own funds to his or her own campaign in the pre-election and campaign periods (168(3)).

B. Source Restrictions or Prohibitions

- Only individuals and corporations may make contributions to a candidate during an election period (168(2)).

THE SENATE OF CANADA

PROGRESS OF LEGISLATION

(indicates the status of a bill by showing the date on which each stage has been completed)

(1st Session, 39th Parliament)

Thursday, October 26, 2006

(*Where royal assent is signified by written declaration, the Act is deemed to be assented to on the day on which the two Houses of Parliament have been notified of the declaration.)

GOVERNMENT BILLS (SENATE)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-2	An Act to amend the Hazardous Materials Information Review Act	06/04/25	06/05/04	Social Affairs, Science and Technology	06/05/18	0	06/05/30		
S-3	An Act to amend the National Defence Act, the Criminal Code, the Sex Offender Information Registration Act and the Criminal Records Act	06/04/25	06/06/22	Legal and Constitutional Affairs					
S-4	An Act to amend the Constitution Act, 1867 (Senate tenure)	06/05/30		(subject-matter 06/06/28 Special Committee on Senate Reform)	(report on subject-matter 06/10/26)				
S-5	An Act to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income	06/10/03							

GOVERNMENT BILLS (HOUSE OF COMMONS)

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-2	An Act providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability	06/06/22	06/06/27	Legal and Constitutional Affairs	06/10/26	156 observations			
C-3	An Act respecting international bridges and tunnels and making a consequential amendment to another Act	06/06/22	06/10/24	Transport and Communications					
C-4	An Act to amend the Canada Elections Act and the Income Tax Act	06/05/02	06/05/03	Legal and Constitutional Affairs	06/05/04	0	06/05/09	06/05/11	1/06
C-5	An Act respecting the establishment of the Public Health Agency of Canada and amending certain Acts	06/06/20	06/09/28	Social Affairs, Science and Technology					

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
C-8	An Act for granting to Her Majesty certain sums of money for the public service of Canada for the financial year ending March 31, 2007 (<i>Appropriation Act No. 1, 2006-2007</i>)	06/05/04	06/05/09	—	—	—	06/05/10	06/05/11	2/06
C-13	An Act to implement certain provisions of the budget tabled in Parliament on May 2, 2006	06/06/06	06/06/13	National Finance	06/06/20	0	06/06/22	06/06/22*	4/06
C-15	An Act to amend the Agricultural Marketing Programs Act	06/06/06	06/06/13	Agriculture and Forestry	06/06/15	0	06/06/20	06/06/22*	3/06

COMMONS PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
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SENATE PUBLIC BILLS

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-201	An Act to amend the Public Service Employment Act (elimination of bureaucratic patronage and geographic criteria in appointment processes) (Sen. Ringuette)	06/04/05	06/06/22	National Finance	06/10/03	1			
S-202	An Act to repeal legislation that has not come into force within ten years of receiving royal assent (Sen. Banks)	06/04/05	06/05/31	Legal and Constitutional Affairs	06/06/15	1	06/06/22		
S-203	An Act to amend the Public Service Employment Act (priority for appointment for veterans) (Sen. Downe)	06/04/05	Dropped from the Order Paper pursuant to Rule 27(3) 06/06/08						
S-204	An Act respecting a National Philanthropy Day (Sen. Grafstein)	06/04/05							
S-205	An Act to amend the Food and Drugs Act (clean drinking water) (Sen. Grafstein)	06/04/05							
S-206	An Act to amend the Criminal Code (suicide bombings) (Sen. Grafstein)	06/04/05							
S-207	An Act to amend the Criminal Code (protection of children) (Sen. Herveux-Payette, P.C.)	06/04/05							
S-208	An Act to require the Minister of the Environment to establish, in co-operation with the provinces, an agency with the power to identify and protect Canada's watersheds that will constitute sources of drinking water in the future (Sen. Grafstein)	06/04/06							
S-209	An Act concerning personal watercraft in navigable waters (Sen. Spivak)	06/04/25							

No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-210	An Act to amend the National Capital Act (establishment and protection of Gatineau Park) (Sen. Spivak)	06/04/25							
S-211	An Act to amend the Criminal Code (lottery schemes) (Sen. Lapointe)	06/04/25	06/05/10	Social Affairs, Science and Technology	06/06/13	0	06/10/17		
S-212	An Act to amend the Income Tax Act (tax relief) (Sen. Austin, P.C.)	06/04/26	Bill withdrawn pursuant to Speaker's Ruling 06/05/11						
S-213	An Act to amend the Criminal Code (cruelty to animals) (Sen. Bryden)	06/04/26	06/09/26	Legal and Constitutional Affairs					
S-214	An Act respecting a National Blood Donor Week (Sen. Mercer)	06/05/17	06/10/03	Social Affairs, Science and Technology					
S-215	An Act to amend the Income Tax Act in order to provide tax relief (Sen. Austin, P.C.)	06/05/17							
S-216	An Act providing for the Crown's recognition of self-governing First Nations of Canada (Sen. St. Germain, P.C.)	06/05/30							
S-217	An Act to amend the Financial Administration Act and the Bank of Canada Act (quarterly financial reports) (Sen. Segal)	06/05/30	06/10/18	National Finance					
S-218	An Act to amend the State Immunity Act and the Criminal Code (civil remedies for victims of terrorism) (Sen. Tkachuk)	06/06/15							
S-219	An Act to amend the Parliamentary Employment and Staff Relations Act (Sen. Joyal, P.C.)	06/06/27							
S-220	An Act to protect heritage lighthouses (Sen. Carney, P.C.)	06/10/03							
PRIVATE BILLS									
No.	Title	1 st	2 nd	Committee	Report	Amend	3 rd	R.A.	Chap.
S-1001	An Act respecting Scouts Canada (Sen. Di Nino)	06/06/27	06/10/26	Legal and Constitutional Affairs					

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(HANSARD)

Monday, October 30, 2006



THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Monday, October 30, 2006

The Senate met at 6 p.m., the Speaker in the chair.

Prayers.

SENATOR'S STATEMENT

THE HONOURABLE NOËL A. KINSELLA

CONGRATULATIONS ON RECEIVING DOCTORAL
DEGREE IN PHILOSOPHY CONFERRED BY THE
DOMINICAN UNIVERSITY COLLEGE

Hon. George J. Furey: Honourable senators, I rise today to pay tribute to our Speaker, the Honourable Noël A. Kinsella, who yesterday received a Doctorate of Philosophy *honoris causa* from the Dominican University College, in Ottawa.

Senator Kinsella was acknowledged as a distinguished scholar, citizen, statesman and champion of human rights.

A man of great faith and one of Canada's most respected philosophers, the Dominican University College also wished to recognize Senator Kinsella's contributions both to the advancement of studies in philosophy and to his ability to translate thought into action.

Yesterday, Jean-François Méthot, Chair of the Department of Philosophy stated:

We deeply recognize ourselves and our efforts in Senator Kinsella's approach to society, just politics and the life of faith...

He is a model for our students and graduates... an enlightened, tolerant human rights advocate, accepting a coherent and open view of Christian and Catholic ethics, while respecting individual's rights to difference and dissent in our modern democracy.

In receiving his honorary degree, Senator Kinsella stated:

Philosophers who are reflecting today on the nature of peace, justice and the nature of human rights in the international community are to be encouraged. The dialogue between civilizations must supplant the clashes among civilizations. It is here where philosophy can play a crucial role for humanity...

May philosophers of all schools be encouraged to bring reason and insight to the essential dialogue of today.

Your Honour, your words have a special resonance for this chamber as we too work toward building dialogue between communities and nations, with reason, insight and a desire to do what is good and right for one's fellow human beings.

Honourable senators, please join me in congratulating Senator Kinsella on the recognition he received from the Dominican University College. His distinguished career as a teacher, philosopher and senator continues to bring honour to this institution.

[Translation]

ROUTINE PROCEEDINGS

THE ESTIMATES 2006-07

SUPPLEMENTARY ESTIMATES (A) TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 28(3) of the *Rules of the Senate*, I have the honour to table, in both official languages, the Supplementary Estimates (A) 2006-07, for the fiscal year ending March 31, 2007.

NOTICE OF MOTION TO AUTHORIZE NATIONAL FINANCE COMMITTEE TO STUDY SUPPLEMENTARY ESTIMATES (A)

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that at the next sitting I shall move:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (A) for the fiscal year ending March 31, 2007, with the exception of Parliament Vote 10.

NOTICE OF MOTION TO REFER VOTE 10 TO STANDING JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I give notice that at the next sitting I shall move:

That the Standing Joint Committee on the Library of Parliament be authorized to examine the expenditures set out in Parliament Vote 10 of the Supplementary Estimates (A) for the fiscal year ending March 31, 2007; and

That a message be sent to the House of Commons to acquaint that House accordingly.

• (1810)

[English]

**CONTRIBUTIONS OF
THE HONOURABLE CHARLES HOWARD GREEN
TO CANADIAN PUBLIC LIFE**

NOTICE OF INQUIRY

Hon. Lowell Murray: I give notice that two days hence, I will draw the attention of the Senate to the faithful and exemplary service to Canada during his entire adult lifetime of the late Honourable Howard Charles Green of British Columbia.

[Translation]

QUESTION PERIOD

DELAYED ANSWER TO ORAL QUESTION

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have a response to a question raised in the Senate on September 26, 2006, by Senator Callbeck regarding funding for legal aid.

JUSTICE

FUNDING FOR LEGAL AID

(Response to question raised by Hon. Catherine S. Callbeck on September 26, 2006)

Canada's new government believes that the federal, provincial and territorial governments have a shared interest in a justice system that is accountable, efficient, accessible and responsive. Legal Aid is a critical component of such a system.

The federal government has informed the provinces and territories that it will, for fiscal year 2006-07, maintain its fiscal year 2005-06 funding levels for criminal legal aid and immigration and refugee legal aid, approximately \$123.5 million.

As regards funding in future years, the federal government will continue to work with the provinces and territories to develop a mutually agreeable approach to funding legal aid in 2007 and beyond.

[English]

ORDERS OF THE DAY

CONSTITUTION ACT, 1867

**BILL TO AMEND—SECOND READING—
DEBATE CONTINUED**

On the Order:

Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau, for the second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I know that at least one of my colleagues — namely, Senator Dallaire — wishes to speak to this bill.

As you may have noticed, we skipped Question Period, and I do not think we called to warn him that we were skipping Question Period. We are galloping through the preliminary parts of our agenda tonight, and I think it would be a little hard line to call a question when I know he wants to speak.

If we could continue the adjournment of the debate, I think that would be a fine thing.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Agreed.

On motion of Senator Fraser, for Senator Dallaire, debated adjourned.

[Translation]

**STUDY ON TELECOMMUNICATIONS
AND RADIO APPARATUS USER FEE PROPOSAL—
REPORT OF TRANSPORT AND COMMUNICATIONS
COMMITTEE ADOPTED**

The Senate proceeded to consideration of the fifth report of the Standing Senate Committee on Transport and Communications (*document entitled: New Fees for Services Provided by Industry Canada Relating to Telecommunications and Radio Apparatus*), presented in the Senate on October 26, 2006.

Hon. Lise Bacon moved adoption of the report.

Motion agreed to and report adopted.

FEDERAL ACCOUNTABILITY BILL

REPORT OF COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the fourth report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill C-2, An Act providing for conflict of interest rules,

restrictions on election financing and measures respecting administrative transparency, oversight and accountability, with amendments and observations), presented in the Senate on October 26, 2006.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I believe that if his Honour were to put the question, he would find unanimous consent to allow Senators Stratton and Day 45 minutes each to debate the study of the report.

The Hon. the Speaker: Honourable senators, is it agreed?

Hon. Senators: Agreed.

The Hon. the Speaker: Honourable senators, the Senate has spoken. As Speaker, I must point out two important *Rules of the Senate*: rules 99 and 101.

[English]

Hon. Terry Stratton: Honourable senators, I rise to speak to the committee report on Bill C-2.

Before saying a few words about the report and the process that led up to it, I want to thank the members on our side of the Standing Senate Committee on Legal and Constitutional Affairs for their work over the past four months.

I also want to thank the expert witnesses who shared their knowledge and perspectives with the committee. I extend a special thanks to the committee staff who worked exceptionally long hours in the background to ensure that everything ran as smoothly as possible.

In particular, I want to thank our clerk, Gérald Lafrenière, who had the responsibility of lining up a never-ending stream of witnesses as the opposition asked for more and more hearings. He also had the responsibility to ensure that all the T's were crossed and I's were dotted as we worked our way through amendment upon amendment upon amendment last Tuesday and Wednesday.

It was a monumental task to pull everything together in the report in time for the report to be tabled on Thursday in both official languages.

The Library of Parliament staff also deserves our thanks, as do Joe Wild and Catrina Tapley from the Treasury Board and Michel Patrice of the Senate Law Clerks Office. Their advice at the committee table was particularly helpful as we worked our way through the amendments.

We have spent many hours, I would say too many hours, providing this legislative initiative with great extent, focus and attention. In fact, the committee sat for three weeks out of normal parliamentary sitting time. We met 30 times, sitting just under 106 hours, excluding breaks. We heard from 158 witnesses as opposed to something such as 66 witnesses in the House of Commons committee.

The committee report recommends some 156 amendments of which more than 100 came from the opposition.

For the most part, the government amendments were technical or minor in nature. These amendments corrected drafting errors and omissions and made other changes to ensure that the legislation fully reflects the original policy intent. I do not propose to speak to each amendment, as many were technical, but I will provide honourable senators with several examples.

On the advice of the Senate law clerk, in a number of places the committee report amends the term "senior public office holders" to read "designated public office holders." Because the definition of public office-holders includes senators, while the definition of senior public office-holders does not, our law clerk was concerned about having assistant deputy ministers listed in what is known as the senior category.

Changing the title of public office-holders included under the lobbying act from "senior" to "designated" will better respect the range and hierarchy of positions to be included under this definition.

Another series of technical amendments added to the list of public office-holders are ministerial appointments whose appointments are approved by the Governor-in-Council. This amendment reflects the original policy intent.

There was a technical amendment to the procedure for laying the estimates of the conflict of interest and ethics commission report to Parliament. A technical amendment was made to a section that governs members of the other place to clarify that "member" meant member of the House of Commons.

In the section governing public service appointments, after the bill went through the other place, it was agreed that it would be appropriate to have advisers to deputy ministers appointed by Governor-in-Council, and the committee approved an amendment to correct this.

In the section governing the parliamentary budget officer, the committee approved an amendment to provide a specific mandate to undertake research into the estimates.

• (1820)

This does not deviate from the policy underlying the bill, and indeed serves to reinforce it.

Another amendment to correct an error made when the bill went through the other place will ensure that Crown corporations are subject to the Access to Information Act or the Privacy Act and continue to also be subject to the Library and Archives of Canada Act. To ensure consistency between the Privacy Act and the Access to Information Act, the committee approved an amendment to the Privacy Act to include the Asia Pacific Foundation of Canada and the Pierre Elliott Trudeau Foundation. To correct a drafting oversight, the committee agreed to an amendment to allow for the appointment of directors of the Canadian Tourism Commission for up to a four-year term, consistent with the terms provided for the other boards in the bill.

Some of the amendments approved by the committee correct drafting errors made when members of the other place amended the bill. As well, in a few places there are corrections to ensure the English and French versions of the law are consistent.

Honourable senators, these were all non-controversial amendments that sought to correct drafting errors or to reinforce the policy content of the bill. They do not seek to fundamentally alter the policy behind the bill, a bill that was unanimously passed by the elected members in the other place.

However, the vast majority of the amendments approved by the committee came from the opposition, and virtually all of those opposition amendments were passed on division. I expect that opposition senators will highlight their own amendments, but I will draw a few to the attention of the Senate.

First and foremost was a rather large package of amendments to maintain a separate ethics officer for the Senate. The committee record will clearly show that this series of amendments was carried on division.

The package of amendments to the Canada Elections Act introduced by the opposition will raise the contribution limits to \$2,000 a year from \$1,000 proposed in the bill and would keep the existing \$5,000 limit until January 1 of the year following Royal Assent. In other words, if the bill is not passed in the House of Commons back to this house before we rise at Christmas, the existing limits will remain in effect until December 31, 2007. The question is: Why?

The other interesting issue is raising the limit from \$1,000 to \$2,000. It does not sound like much except when you consider that someone can contribute to a candidate, to a constituency and to the party. In other words, \$3,000 is currently proposed. As amended, that would rise to \$6,000. That does not sound like much, but 99 per cent of donations to any party are under \$200. Why do we need \$2,000? We are trying to democratize giving to political parties and to have a contribution of less than \$200 mean something.

A figure of \$1,000 is bad enough; \$2,000 raises it beyond the limit, and ordinary Canadians think those donating that amount may have special access when they should not. Whether or not that is real does not matter; that is the perception.

When the amount is raised from \$1,000 to \$2,000, one can understand why, in our view, this is clearly counter to the policy objectives of the bill. I will have more to say about this point during my remarks at third reading.

To ensure that public service appointments are made on the basis of merit, Bill C-2 ends the giving of politically exempt staff priority for public service appointments. The opposition amendment will grandfather those who qualify for this special treatment. Again, one must ask: Why?

Amendments to the Access to Information Act provisions of Bill C-2 will restore the status quo exemption for the Canadian Wheat Board, running counter to the policy set out in the bill of shining a light on more Crown corporations. As an aside, the Canadian Wheat Board has said the Access to Information Act will demand confidential information with respect to negotiations on the selling of wheat to other private corporations or to other foreign countries. That is not true, because that kind of information is already protected. This is redundancy.

Other amendments will limit the reach of the Access to Information Act to information created after the proposed accountability act's Royal Assent. We were told by legal counsel that this is a departure from the past practice of including all records under the control of an entity at the time it became subject to the act. One becomes curious as to why. These foundations created by the Liberal government are exempt now? Is there something going on that we should know? That is what happens when you put forward an amendment like this. It raises that question: Why?

There are opposition amendments in a number of places to reduce the proposed limits for initiating a prosecution under the laws governing lobbyists in elections. This is contrary to the government's policy objectives of providing additional time to initiate a prosecution. In other words, we have extended the time allowed for investigation to five years. Once one discovers that there may be a problem, it takes time to investigate and a five-year limit would be required to do that. For example, the origins of the Gomery inquiry date back to 1995.

An amendment to the Lobbyists Registration Act will ban lobbying for a five-year period to anyone who works for a company that enters into a contract with the government. It is not my intention to comment extensively at this point on the opposition amendments, however.

I would like to draw the attention of the Senate to a potential problem that was pointed out to us by legal counsel at the committee table. The exemption regime set out in the bill is meant to deal with public office-holders and is not structured in a manner that would handle the hundreds of thousands of Canadians who work for companies that provide goods and services to the federal government. The exemption process in the bill does not reference anyone other than public office-holders. If it did, that process would come to a grinding halt from the sheer volume of exemption requests.

The example given to the committee by legal counsel relates to IBM. If IBM contracts with the government, everyone on IBM's payroll would automatically be subject to the five-year lobbying ban. The amendment went ahead despite this wording. Indeed, in virtually every case where legal advice or wording was offered at the table the opposition insisted on going ahead with their amendments anyway. I fully expect that our opposition colleagues will be highlighting some other amendments.

The President of the Treasury Board has said that any amendments that the Senate makes to the bill will be judged on their merits, and we will see how many are ultimately judged to be meritorious.

Finally, there are the observations that were tabled along with the report. I want Hansard to clearly show that while these have been presented as observations of the committee, they are observations of the opposition Liberal majority sprung on the government minority at the very last minute.

Indeed, not only did the government senators disagree with the arguments advanced in the observations, we were also deeply concerned by the use of committee observations as a device to make very partisan and personal statements.

Honourable senators will note that there is no such similar partisan attack on our part by way of a minority report. To attempt to argue for changes or to ask for time to draft a minority report was simply added to the time already taken by the committee that would have led to further delays.

• (1830)

While delay appears to be an opposition objective, it is not a government objective. Government senators made it clear prior to putting the report to a vote that we do not believe this is the appropriate way to use committee observations — and, indeed, this is not the way that we have traditionally conducted ourselves. It is one thing to engage in partisan debate on the floor of the Senate, at the committee table or in front of the media; it is another, entirely, to use a report to extend that debate.

Senator Andreychuk has given notice of an inquiry concerning the inappropriate use of observations accompanying committee reports. I would suggest that all honourable senators pay attention to what she has to say.

The vote held at the end of the meeting records Senators Andreychuk, Nolin, Oliver and myself as opposed to the observations. Senators Day, Cowan, Baker, Joyal, Milne, Ringuette and Zimmer supported the observations. There were no abstentions.

Honourable senators, the President of the Treasury Board has stated that amendments to this bill will be judged on their merits, and it remains to be seen how many will be judged to be meritorious.

Rule 99 of the Rules of the Senate reads as follows:

On every report of amendments to a bill made from a committee, the Senator presenting the report shall explain to the Senate the basis for and the effect of each amendment.

The rule says “shall.” Although I am not a lawyer, I understand the word “shall” to mean mandatory.

[Translation]

In French it says:

Dans tout rapport où un comité propose des amendements à un projet de loi, le sénateur qui présente le rapport doit expliquer au Sénat les raisons et la portée de chaque amendement.

[English]

I shall therefore commence the reading of the amendments.

Senator Murray: Dispense.

Senator Stratton: I was waiting for someone to say that. Remember that the rule says “shall” and “droit.” I have no choice.

I shall go through the substantive amendments to Bill C-2 because I believe those are the ones that are important to this chamber, rather than the technical amendments. I am reading

from a research document prepared by the Parliamentary Information and Research Service of the Library of Parliament.

The first paragraph reads:

At lines 26-7, on page 5, Clause 2 was amended to provide for the proposed Conflict of Interest Act to cover potential and apparent conflicts of interest, in addition to the actual conflicts of interest already covered.

At lines 12-17, on page 6, Clause 2 was amended to delete section 6(2) of the Conflict of Interest Act, because that subsection would have constrained public office holders who are Members of Parliament from debating or voting in certain circumstances.

At line 7, on page 9, Clause 2 was amended to insert the words “close personal” to the phrase ‘relative or friend’, with the effect that public office holders would be permitted to receive gifts or other advantages only from relatives or close personal friends.

Originally, the clause said “friends,” but the opposition added “close personal.” What does “close personal friend” mean? Is a close personal friend a spouse, a brother, a cousin? Perhaps a close personal friend is a mistress. Would a mistress not be defined as a close personal friend, especially in relation to a minister?

At line 37, on page 13, Clause 2 was amended to delete the words “and friends,” with the effect that a reporting public office holder would be required to report all gifts that exceed \$200 from one source other than those from relatives.

At lines 1 and 22-27, on page 22, Clause 2 was amended to provide that an exemption from the post-employment rules in sections 35 and 36 of the Conflict of Interest Act may be granted on application by the former reporting public office holder, that the Commissioner must give written reasons for a decision to exempt a public office holder and publish all decisions to grant exemptions, and to delete section 38(3) of the Conflict of Interest Act, which would have limited the scope of judicial review of exemption decisions.

At line 7, on page 24, Clause 2 was amended to amend section 43(1) to require the Commissioner to provide advice to the Prime Minister, rather than confidential advice, and to add a new subsection 43(2), with the effect that the Commissioner’s advice to the Prime Minister may be provided on a confidential basis, unless the Commissioner concludes that a public office holder has contravened the Conflict of Interest Act. In the latter case, the Commissioner will be required to provide the Prime Minister and the concerned public office holder with a report, and to make the report public.

Think about that one.

At lines 4-21, on page 25, Clause 2 was amended to delete subsections 44(5) and (6), which would have precluded members of the House of Commons and Senate who received information from the public about an alleged contravention of the Conflict of Interest Act from disclosing the information to anyone at certain points in the process,

[Senator Stratton]

and would have permitted the Commissioner to refer a failure to comply with that restriction to the Speaker of the Senate or House of Commons.

At line 37, on page 25, Clause 2 was amended to add a new section 44(8.1) to the Conflict of Interest Act, requiring that if the Commissioner determines that a request for an examination by the Commissioner was frivolous or vexatious, or made in bad faith, the Commissioner must report only to the concerned public office holder and the member who requested the examination, and not make the report public.

At line 16, on page 28, Clause 2 was amended to remove a reference to section 87 of the *Parliament of Canada Act*. Although in itself this amendment is technical, this was the first in a series of amendments the cumulative effect of which was to remove from the mandate of the Conflict of Interest and Ethics Commissioner responsibilities in respect of the Senate of Canada and to continue to vest these responsibilities in the Senate Ethics Officer.

You must remember that most of these were passed on division.

At lines 38 and 40, on page 31, Clause 2 was amended to change a limitation period provided for under the Conflict of Interest Act, such that proceedings in respect of a violation could be commenced within two years of the day on which the Commissioner became aware of the subject-matter, and not later than five years after the subject matter arose, instead of within five years after the day on which the Commissioner became aware of the subject-matter.

I have already explained the reason for the five years. It is five years to investigate and 10 years to charge, and that is because of how far back these matters can go and how much time it takes to investigate them.

At lines 35 and 39, on page 32, Clause 2 was amended to change the general limitation period under the Conflict of Interest Act, to provide that proceedings under the Act may be taken within but not later than two years (instead of five) of the day on which the Commissioner became aware of the subject-matter, and not later than five years (instead of ten) after the day on which the subject-matter arose.

I have just explained that. Adscam started to become public in 2005. Think about the impact of limiting this to two years.

At lines 19-21, on page 44, Clause 26 was amended to add subsection (4) to section 20.5 of the *Parliament of Canada Act*, providing, for greater certainty, that the administration of the Conflict of Interest Act in respect of public office holders who are ministers or parliamentary secretaries is not part of the duties of the Senate Ethics Officer or the Senate committee.

After line 7, on page 48, Clause 28 was amended to add new section 86.1 to the *Parliament of Canada Act*, providing that the Conflict of Interest and Ethics Commissioner and staff are not compellable witnesses, nor do criminal or civil

proceedings lie against the Commissioner or staff for anything done in good faith in the exercise of their duties under the Act.

• (1840)

Honourable senators, I could go on. There are quite a number of pages left in this document. However, with the permission of honourable senators, I would like to table these explanations so that they may be read by honourable senators before we move to third reading of the bill.

Hon. Lowell Murray: Is there an explanation on each one? The honourable senator is giving an explanation on each one.

The Hon. the Speaker: Honourable senators, Senator Stratton is requesting the consent of the house to table the explanation that he has in writing that he has been using so far, or he can continue to do it orally. What is the wish of the house?

Senator Comeau: We would agree to that.

Senator Murray: May I ask a question, Your Honour?

The Hon. the Speaker: Yes.

Senator Murray: The honourable senator, who, with one or two exceptions, simply read from a narrative explaining what the committee amendments are about. Do I understand that the narrative from which he is reading is authorized by the committee as a whole?

Senator Stratton: Rule 99 requires that an explanation for the amendments be given. The Library of Parliament supplied these explanations as a requirement of rule 99.

Senator Murray: Speaking as one senator, I would find it satisfactory if those explanations were tabled and became part of our record. The honourable senator is not, it seems to me, giving the government's position one way or the other on these amendments, except in one or two cases where he departed from the text.

If members of the committee are satisfied with that, I, for one, would not disagree to having the explanations form part of our record.

Senator Stratton: The explanation given does not set out either the government's position or the opposition's position; it explains the impact of the amendment. That is the extent of it. In other words, the explanation is gender neutral. My sidebars are another thing.

Hon. Joseph A. Day: Honourable senators, rule 99 indicates:

...the Senator presenting the report shall explain to the Senate the basis for and the effect of each amendment.

The basis for the amendment was given during the committee hearings. I assume that this report, which I have not seen yet, would have the basis that was given at the time that the amendment was proposed. If it does not, then it is not in conformity with rule 99.

In any event, this was a motion that I heard presented. It seems to me that if we could have an opportunity to defer voting on the motion until we have had an opportunity to review what my honourable colleague is proposing to table, we may be able to resolve the matter. I have not seen it yet.

Senator Stratton: I will withdraw the motion and keep reading.

Hon. Anne C. Cools: You cannot do that. You cannot just withdraw.

Senator Comeau: Why not?

Hon. Joan Fraser (Deputy Leader of the Opposition): Your Honour, I do not think Senator Stratton actually made a motion. He asked for leave to table a document. I was prepared to give leave because on the strength of what I had heard, indeed, what he was reading was not a representation of either the government side or the opposition view of these amendments.

I had, however, hoped to ask a question, which I suppose the honourable senator will now address because he will continue his remarks. I am particularly interested, as I suspect some of my colleagues are, in hearing the reasoning that the committee brought to bear on the question of one, two or three ethics commissioners or officers. I hope that is part of what we will be learning.

The Hon. the Speaker: Honourable senators, Senator Stratton asked leave to table a document. It is my understanding that leave has not been granted.

Therefore, Senator Stratton, you may continue with your presentation.

Senator Stratton: Thank you, Your Honour.

I will continue. The next amendments deal with election financing.

After line 5, on page 58, Clause 44 was amended to add new subsection 404.2(7) to the *Canada Elections Act*, providing for greater certainty that fees paid for a political convention are contributions to the political party.

On pages 58 and 59, Clause 46 was amended to increase the proposed contribution limits under section 405 of the *Canada Elections Act* to \$2,000 in a calendar year to a political party, \$2,000 in a calendar year to the registered associations, nomination contestants and candidates of a political party, \$2,000 in a calendar year to a candidate who is not the candidate of a party, and \$2,000 in a calendar year to a leadership contestant. The clause was also amended to increase the proposed amounts that candidates, nomination contestants and leadership contestants may make to their own campaigns from \$1000 to \$2000 without the amounts being treated as contributions. A further amendment provides that the contribution limits in the Act are multiplied by the number of elections held in the same calendar year, but only in respect of contributions to registered parties, nomination contestants, and candidates of registered parties.

That explanation of that particular amendment explains to honourable senators the basis for and the effects of the amendment as per rule 99. That explanation by the Library of Parliament does both. That is the intent of each one of these explanations; they are gender neutral.

On page 64, at lines 31 and 34, Clause 59 was amended to change the limitation period for initiating prosecutions under the *Canada Elections Act* from not later than five years after the Commissioner of Canada Elections became aware of the facts and not later than ten years after the offence was committed, to not later than two years after the Commissioner became aware of the facts and not later than seven years after the offence was committed.

The next explanations refer to lobbying.

On page 66, on line 13, Clause 67 was amended to replace the term "senior public office holder" with "designated public office holder" in the proposed Lobbying Act. This change in wording is intended to better respect the range and hierarchy of positions to be included under the definition of public office holder. Further consequential amendments replaced all references with the new term throughout the Lobbying Act. Also, on lines 18 and 19 on the same page, the definition of designated public office holder was amended to specifically exclude staffs of Commissions of Inquiry and parliamentary institutions.

On page 74, on line 30, Clause 73 was amended to replace the word "may" with "shall," making mandatory the requirement in section 9.1(2) of the proposed Lobbying Act that the Commissioner of Lobbying, in an annual or special report, report on the failure by a present or former public office holder to respond to a request by the Commissioner under section 9.1(1) for confirmation of lobbying activities.

• (1850)

On page 75, at line 21, Clause 75 was amended to ensure that the application of the five-year prohibition on lobbying for individuals employed by organizations. Instead of all former designated public office holders who are employed by organizations being subject to the ban, such an individual would be subject to the same test as that provided for in-house corporation lobbyists: that is, that he or she would be subject to the prohibition if carrying on lobbying activities would constitute a significant part of his or her work on the organization's behalf.

On page 76, after line 8, Clause 75 was amended by adding a new section 10.111 to the Lobbying Act, which would prohibit any person who has a contract for services, or is employed by an entity that has a contract for services with the government from carrying on certain lobbying activities for a period of five years after the day on which the contract ends.

On page 80, at lines 16-22, Clause 79 was amended by broaden the regulation-making authority granted to Governor in Council to designate designated public office holders. Such designations could be made if, in the opinion of Governor in Council, doing so is necessary for the purposes of the Act.

On page 80, after line 22, new Clause 79.1 was added to the bill, to prohibit obstructing the Commissioner of Lobbying and his or her staff in the performance of duties and functions under the Lobbying Act.

On page 81, at lines 7 and 10, Clause 80 was amended to change the limitation period for prosecutions under the Lobbying Act from not later than five years after the Commissioner became aware of the facts and not later than ten years after the offence was committed, to not later than two years after the Commissioner became aware of the facts and not later than five years after the offence was committed.

On page 81, after line 22, Clause 80 was amended to add a penalty provision providing that a person who fails to comply with a prohibition of the Commissioner is guilty of an offence and liable on summary conviction to a fine not exceeding \$50,000.

On pages 85-86, Clause 89 was defeated. Clause 89 would have created a special exclusion in the *Access to Information Act* for records relating to investigations by the Commissioner of Lobbying. Note that Clause 144 of the bill was amended to add the Commissioner of Lobbying to the list of Officers of Parliament who will be required to refuse to disclose certain records relating to investigations under section 16.1 of the ATIA.

That is the Access to Information Act. I now move on to the rubric "Priority for Ministerial Staff."

On page 92, on lines 39 and 40, Clause 106 was amended to delete references to a special adviser to a deputy minister or deputy head, removing these types of officers from the proposed list of people under section 127.1(1)(c) of the *Public Service Employment Act* (PSEA) who can be appointed by Governor in Council. This change will preserve the status quo in terms of the appointment of such advisers.

On page 93, after line 16, Clause 107 was amended by adding new subsections (2) and (3) to Clause 107, creating an additional transitional regime for ministerial staff who earned priority status for appointment before the coming into force of clause 103 of the bill and who do not cease to be employed before the coming into force of clause 107, allowing them to maintain priority status when they cease to be employed, in accordance with sections 41(2) or (3) of the PSEA.

That is the Public Service Employment Act. The next paragraph deals with coming into force.

On page 94, at lines 1-4, Clause 108 was amended to provide that clauses 41 to 43, 44(3) and (4), 45 to 55, 57 and 60 to 64 come into force on 1st January of the year following the year in which the bill receives Royal Assent. Clause 108 affects the amendments to the *Canada Elections Act* and consequential amendments to the *Income Tax Act*, including the new political contribution limits and the ban on corporate and union contributions.

The following paragraph refers to the Auditor General

On page 95, at lines 5 and 6, Clause 110 was amended to delete the words "qualified auditor" from section 3(1) of the *Auditor General Act*. The section, as amended, would require Governor in Council to appoint an Auditor General of Canada in the manner specified in the section.

I come now to the Parliamentary Budget Officer.

On page 98, at line 3, Clause 116 was amended to delete the words "the estimates and" from proposed 79.2(b) of the *Parliament of Canada Act*. The Parliamentary Budget Officer's mandate with respect to the government's estimates was considered to be sufficiently spelled out in subsection (3) of the same section. Also on page 98, subsection (d) (lines 27 to 31) was deleted. The specific reference in that subsection to the costing of private members' bills was considered to be adequately covered by the mandate provided in subsection (e), which was re-numbered (d), which deals with costing of any proposal relating to a matter within Parliament's jurisdiction.

On page 97, at line 26, Clause 116 was amended to replace the word "may" with "shall," making it a mandatory requirement that Governor in Council select the Parliamentary Budget Officer in the manner specified in subsection 79.1(3) of the *Parliament of Canada Act*.

On page 97, at line 29, Clause 116 was amended to provide that the list of three names, provided for under subsection 79.1(3) and from which the Parliamentary Budget Officer is selected, is submitted through the Leaders of the Government in the Senate and the House of Commons (instead of through the Leader of the Government in the House of Commons alone).

On page 97, after line 30, Clause 116 was amended to prescribe who will be included in the committee to provide a list of candidates for the office of Parliamentary Budget Officer. The composition of the committee, which previously would have been determined by the Parliamentary Librarian, must include the Leaders of the Government and the Opposition in both the Senate and the House of Commons, and the Parliamentary Librarian.

On page 98, at line 47, Clause 116 was amended to add the words "free and timely" to section 79.3(1), to qualify the access to financial information which must be provided to the Parliamentary Budget Officer under the section.

The next paragraphs deal with the Director of Public Prosecutions.

On page 105, at lines 19 and 20, Clause 121 was amended to change the composition of the selection committee for the Director of Public Prosecutions, adding a representative from each recognized party in the Senate to the committee.

On page 105, at lines 27-34, Clause 121 was amended to provide that, instead of the Attorney General submitting ten names to the selection committee for consideration, the selection committee will identify candidates itself, and then

assess them and recommend three to the Attorney General. It may be noted that the Attorney General will still be indirectly involved in the initial selection of candidates, as there are two Deputy Ministers on the selection committee, as well as a person appointed by the Attorney General.

On page 105, at lines 41-42, Clause 121 was also amended to clarify that the parliamentary committee that considers the final candidate chosen by the Attorney General will be established by either or both Houses of Parliament. Consequential amendments referring to that committee were made on page 106, at lines 2 and 5.

On page 106, at line 13, Clause 121 was amended to provide that the Director of Public Prosecutions may be removed for cause with the support of not only a resolution of the House of Commons, but also of the Senate.

The following paragraphs refer to access to information.

On page 117, at line 40, Clause 143 was amended to add the word "timely," adding to the new duty to assist requesters created in section 4(2.1) of the *Access to Information Act* (ATIA) that government institutions provide timely access as required in the section.

On page 118, after line 14, Clause 144 was amended to add the Commissioner of Lobbying to the list of Officers of Parliament who will be required to refuse to disclose certain records relating to investigations under section 16.1 of the ATIA.

• (1900)

This amendment is consistent with the deletion of clause 89 of the bill, which would have created a separate exemption of the same effect for the commissioner of lobbying. It was defeated by the committee.

On page 118, at line 29, Clause 145 was amended to replace the word "shall" with "may," providing the Chief Electoral Officer with discretion in applying the section 16.3 exemption for certain records relating to investigations under the *Canada Elections Act*.

On page 119, at lines 24 and 25, Clause 147 was amended to add the Canada Foundation for Sustainable Development Technology to the list of entities provided under section 18.1 of the ATIA, permitting heads of government institutions to refuse to disclose certain documents belonging to and consistently treated as confidential by the listed entities.

On page 120, after line 10, Clause 148 was amended to add a new section 20.3 to the ATIA, to require the head of the Canada Foundation for Sustainable Development Technology to refuse to disclose certain records containing information relating to applications for funding, eligible projects or eligible recipients.

On page 120, before line 11, Clause 148 was amended to add a new section 20.4 to the ATIA, to require the head of the National Arts Centre Corporation to refuse to disclose

certain records relating to the terms of contracts for the services of a performing artist or the identity of a donor.

On page 120, at line 37, Clause 150 was amended to add the words "or any related audit working paper" to proposed subsection 22.1(2) of the ATIA, adding that type of document to the exception it provides to the subsection 22.1(1) exemption for certain draft audit papers. The effect of the amendment to subsection 22.1(2) is to require disclosure of such audit working papers if the final audit report is not completed within two years.

On page 120, after line 41, Clause 150.1 was added to the bill, adding a new section 26.1 to the ATIA. This section would create a public interest override in the Act, permitting heads of government institutions to disclose documents, which would otherwise be exempt from disclosure, if disclosure is determined to be in the public interest, unless the information relates to national security.

On page 123, after line 14, Clause 159 was amended to add new sections 68.3 to 68.8 to the ATIA. The new sections would exclude from the application of the Act any documents held by five foundations and the offices of five Officers of Parliament before the coming into force of clause 166 of Bill C-2. The five foundations, all of which are added to the ATIA by the bill, are the Asia-Pacific Foundation of Canada, the Canada Foundation for Innovation, the Canada Foundation for Sustainable Development Technology, the Canada Millennium Scholarship Foundation and the Pierre Elliot Trudeau Foundation. The five Officers of Parliament, also added by the bill, are the Auditor General of Canada, the Chief Electoral Officer, the Commissioner of Official Languages, and the Information and Privacy Commissioners of Canada.

On page 126, Clause 165, which would have added the Canadian Wheat Board to the ATIA, was defeated.

On page 127, Clause 172.1, which would have added a provision requiring a Ministerial review of the appropriateness of the inclusion of the Canadian Wheat Board in the ATIA, was defeated.

On page 127, after line 31, new Clause 172.01 was added to the bill, adding the *Canada Elections Act* and section 540 of that Act to Schedule II of the ATIA. The effect of this inclusion would be to exclude from the ATIA certain election documents the release of which is restricted by section 540.

Under the rubric "Whistleblower Protection," are the following paragraphs:

On page 137, after line 27, Clause 194 was amended to amend the definition of "protected disclosure" under the *Public Servants Disclosure Protection Act* (PSDPA). The amended definition would include, in subsection 291(d), disclosures made by a whistleblower who is lawfully permitted, or required as is already provided, to do so. The effect of the amendment is to broaden the circumstances in which disclosures will be allowed and covered by the PSDPA.

On page 137, after line 36, Clause 194 was amended by adding two new subsections to the section 2(1) definition of "reprisal." The effect of the amendment would be to expand that definition, which currently deals with measures related to working conditions, to include any other measure that may adversely affect the public servant, whether directly or indirectly, and threats to take any of the measures included in the new definition.

On page 138, after line 12, clause 194 was amended to change the definition of "public sector" in section 2(1) of the PSDPA, replacing the part of the definition after paragraph (c) with the explanation that "public sector" does not include the Canadian Forces, which would have the effect of including the Communications Security Establishment and the Canadian Security Intelligence Service, and excluding the Canadian Forces.

Remember, there are 300 clauses in this bill.

On page 140, before line 7, Clause 201 was amended to add new section 19.01 of the PSDPA, which creates a rebuttable presumption that administrative or disciplinary measures taken against a public servant who makes a protected disclosure are reprisals against that public servant.

On pages 140 and 141, Clause 201 was amended to extend the limitation periods prescribed under three subsections of the PSDPA from 60 days to one year.

On page 154, at lines 39 and 40, Clause 201 was amended to delete the limit on compensation for pain and suffering of a complainant, which had been set at \$10,000.

On page 160, at lines 30 and 39, Clause 203 was amended to increase the maximum amounts payable to public servants for legal advice under subsections 25.1(4) and (5) of the PSDPA from \$1,500 to \$25,000, and under subsection (6), in exceptional circumstances, from \$3,000 to an amount in the discretion of the Public Service Integrity Commissioner.

On page 162, after line 29, Clause 207 was amended to add new subsection 29(1.1), permitting the Commissioner, when he or she is of the opinion that it is necessary for the purpose of an investigation, to use the powers provided under section 29(1) to obtain information from outside the public service.

On page 171, at line 39, Clause 221 was amended to expand the class of records that must not be disclosed by the Public Service Integrity Commissioner under section 16.4 of the ATIA in order to further protect the identities of public servants who make disclosures or give evidence in an investigation under the PSDPA.

On page 172, at line 12, Clause 221 was amended to limit the exemption provided for under section 16.5 of the ATIA for records related to disclosures or investigations under the PSDPA to cases where the information could reveal the identity of a whistleblower or a witness, or where the investigation is not yet completed.

On page 174, at line 15, Clause 223 was amended to add to the exemption provided for under section 9(3) of the *Personal Information Protection and Electronic Documents Act* (PIPEDA) new subsection (e) covering records related to disclosures or investigations under the PSDPA to cases where the information could reveal the identity of a whistleblower or a witness. Accordingly, such documents would not have to be provided to an individual applying for access to personal information.

• (1910)

On page 174, at lines 20-28, Clause 224 was amended to replace section 22.2 of the *Privacy Act* with a new provision intended to protect the identity of disclosers under the PSDPA. Under the new section, the Public Sector Integrity Commissioner could not disclose personal information related to an investigation under the PSDPA that is requested under section 12(1) of the *Privacy Act* if it could identify a whistleblower or a witness, without the consent of that whistleblower or witness.

Under "Public Appointments Commission" are the following paragraphs:

On page 175, at line 32, Clause 227 was amended to replace the word "may" with "shall," making mandatory the requirement that Governor in Council establish a Public Appointments Commission.

On page 176, at line 38, Clause 227 was amended to add the words "or reappointed," with the effect that the consultation process provided for in section 1.1(2) will apply to reappointments as well as appointments to the Public Appointments Commission.

On pages 176 at lines 40 and 41, and 177, at lines 2 and 3, Clause 227 was amended to add a requirement that Senate representatives, as well as their counterparts in the House of Commons, be consulted on appointments to the Public Appointments Commission, and receive announcements of appointments as well.

On page 176, at line 32, Clause 227 was amended to add to subsection 1.1(1)(f) a requirement that public education and training be provided to appointees, as well as public servants, under that subsection.

On page 177, at line 5, Clause 227 was amended to extend the maximum term of office of members of the Commission from five to seven years. As provided, members may be reappointed for a further term or terms.

Under "Directors' Terms", the document states:

On page 181, after line 30, Clauses 244.1 and 244.2 were added to the bill, two add provisions to the *Canadian Tourism Commission Act* providing that directors appointed under sections 11(4) and 12(3) of that Act hold office on a part-time basis for a term not exceeding four years.

And finally under "Audit and Procurement" are the following comments:

On page 187, after line 12, Clause 259 was amended to add new section 16.21 to the *Financial Administration Act*, permitting the Governor in Council with the legal authority to appoint external members of audit committees. Such external members would hold office during pleasure for up to four years, renewable for one additional term, and shall be paid remuneration and expenses fixed by the Governor in Council.

Here is a surprise. We jump from 259 to 306.

On page 203, at line 4, Clause 306 was amended to change the word "may" to "shall," making mandatory the requirement that Governor in Council appoint a Procurement Auditor.

On page 204, at line 22, Clause 306 was amended to replace the words "may not" with "may," making it possible for the Procurement Auditor to recommend the cancellation of a contract to which a complaint under section 22.1(3) of the *Department of Public Works and Government Services Act* relates.

On pages 203 and 204, Clause 306 was amended to replace the words "Procurement Auditor" with the expression "Procurement Ombudsman" wherever they occur and with whatever modifications are necessary.

On page 204, at lines 41 to 43, Clause 306 was amended to delete the phrase "including the departments in respect of which those duties shall not be performed." The deleted words would have made it possible to remove one or more departments from the purview of the Procurement Auditor (renamed Procurement Ombudsman).

Senator Murray: On a point of order. We have before us the report on a bill. Will the honourable senator move adoption of the report?

Senator Stratton: I so move, seconded by the Honourable Senator Comeau, that the fourth report of the committee be adopted.

The Hon. the Speaker: Honourable senators, it has been moved by the Honourable Senator Stratton, seconded by the Honourable Senator Comeau, that the fourth report of the Standing Senate Committee on Legal and Constitutional Affairs, Bill C-2, providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability, with amendments and observations be adopted.

Shall this report be adopted?

Senator Murray: Your Honour, on the point of order again.

The Hon. the Speaker: I just put a question to the house. The question that I put to the house was a motion by Senator Stratton, seconded by Senator Comeau, and that motion is debatable.

Senator Murray: With the greatest respect, the only motion that is in order is a motion to adopt the report. The observations are no part of the report. We have been through this many times before. The observations are a narrative that has been put out by the committee, a majority thereof. That does not matter. I do not think we are asked or should be asked to adopt the observations. With respect, the only motion that is in order is to adopt the report, the proposed amendments of the committee.

The Hon. the Speaker: I understand what the honourable senator is saying. The chair has the fourth report, and on page 31 of that report is a page that begins with the heading, "Observations to the Fourth Report..." Let us have a discussion on this, honourable senators.

Senator Day: It is our contention that the report from the committee comprises the reported-back list of amendments to the bill plus the attached observations.

The Hon. the Speaker: I think that Senator Murray, once again, is right. Those observations follow the signature of Senator Donald Oliver, who is the chair. What lies before the chairman's signature is the official report.

With that, Senator Stratton's motion, seconded by Honourable Senator Comeau, is to adopt the report signed by Senator Oliver. Vis-à-vis the document that was circulated, we go from the beginning to page 30.

Are honourable senators ready for the question? Debate.

[Translation]

Senator Day: Honourable senators, after hearing nearly 100 hours of testimony from over 150 witnesses, I am pleased to join in the debate this evening at the report stage of Bill C-2, the Federal Accountability Act.

[English]

Honourable senators, I should like to join with Senator Stratton in thanking all members, on both sides of the house, of the Standing Senate Committee on Legal and Constitutional Affairs for their hard work and dedication to this enormous job. As well, I would like to thank Senator Stratton for taking the time to explain to us the amendments that form part of this report.

• (1920)

I join with him in thanking the team of legal draftspersons, led by Michel Patrice, our parliamentary counsel, for the tremendous support they provided in drafting the amendments and in attending the clause-by-clause consideration to provide legal advice.

The clerk team, led by Gérald Lafrenière, deserves special mention for the tremendous work they performed. We heard our last witnesses on Monday and reported back to the Senate, having done clause-by-clause study, on Thursday.

Honourable senators will understand the tremendous work done by all the staff and the tremendous dedication of all members of the committee who so willingly put aside other responsibilities and engagements for the overall good. The Senate can be proud of the work performed by this committee on Bill C-2.

I would like to provide honourable senators with a general overview of the committee's work on Bill C-2. I will not go into each of the amendments, as Senator Stratton has just done that. I will, however, mention some of the amendments before you.

As we have been reminded on so many occasions, the federal accountability act represents the Conservative government's first piece of legislation following the January election. The bill was drafted in just six weeks. It refers to nearly 100 statutes, amends 45 statutes and creates two new statutes. There are 214 pages in Bill C-2, and it includes 317 clauses. It proposes to make major amendments to a number of acts. I will list some of them to give you a feeling of the breadth of this bill. They include the Conflict of Interest Act, the Parliament of Canada Act, the Canada Elections Act, the Lobbyists Registration Act, the Public Service Employment Act, the Access to Information Act, the Public Servants Disclosure Protection Act, the Financial Administration Act and the Auditor General's Act, to name only a few.

In the other place, second reading debate on Bill C-2 began on April 25 of this year and ended on April 27. Following second reading, the bill was referred to the House of Commons Legislative Committee on Bill C-2. The committee held 28 meetings over 61 hours, hearing from nearly 70 witnesses between May 3 and June 6. These marathon-like conditions were heavily criticized by some members of the committee who felt they were not given ample time to digest the testimony. Furthermore, witnesses in the other place were given very little time to present their positions, some less than five minutes. As a result, we were informed that some potential witnesses refused to attend the process.

Such limitations on the review of a bill in the other place gave the Senate and the people of Canada cause for great concern. The complexity of this legislation and the breadth of impact this bill would have upon receiving Royal Assent necessitated thorough and thoughtful study. It was for us in the Senate to provide that thorough and thoughtful study.

The following words, delivered by Arthur Kroeger during his appearance before the legislative committee, support the actions of our committee:

There are some things that a more experienced government probably wouldn't have done. In putting your heads together on this committee, I hope you'll be able to sort those out and arrive at improvements. It's a good bill, and I think you have the opportunity to make it better.

Our chairperson, the Honourable Senator Oliver, seemed to echo the words of Arthur Kroeger in his own second reading speech. He said:

It is my hope, honourable senators, that once this bill is referred to committee we can take the time necessary, at an early date, to hear the necessary witnesses, to conduct our due diligence and to ensure that this extremely important piece of government legislation is properly scrutinized.

Honourable senators, I am pleased to report that, despite extraordinary pressure from the government, despite their

unfavourable comments regarding the role of the Senate, and despite false allegations of stall and delay, our committee completed a much more thorough study of the government's federal accountability act than the hastily completed study that took place in the other place.

As a committee, we attempted to hear from each and every interest group and individual stakeholder who requested an appearance before our committee, many of whom complained that they were not given adequate time, if any time at all, or had not even been consulted by the other place.

I was very pleased on September 26 to hear the statement of the Honourable Leader of the Government in the Senate in this chamber, which highlighted the role of the Senate and the importance of our role as legislators. She said:

We take our responsibility as legislators seriously. If we did a better job in this place and in the House of Commons to ensure that our laws are constitutional, it perhaps would eliminate the necessity for having groups challenge laws before the courts.

Honourable senators, I agree with the Honourable Senator LeBreton wholeheartedly. It is our responsibility to ensure that legislation becomes law only after it has been studied in a non-partisan and thorough manner. Political gamesmanship should not stand in the way of strong legislative review, and it is my sincere hope that the Leader of the Government in the Senate will urge her cabinet colleagues to stop belittling the valuable role of the Senate for short-term political gain.

In an article published in the *Ottawa Citizen* on October 21 of this year, just two days before the President of the Treasury Board, the Honourable John Baird, appeared before our committee, Mr. Baird himself warned Canadians, in an op-editorial page article that he wrote that "Canadians should be prepared for the Liberal-dominated Senate to dream up further ways to stall accountability."

The honourable minister continued by saying that "delay tactics, such as dozens of irrelevant amendments, should be expected."

That was written two days before he appeared before our committee.

On behalf of the senators on the committee who gave up so much of their last few months to ensure that this bill was given the attention it deserves, I would like to make it clear that the accusations of delay and stalling tactics are completely unfounded. If it were not for the responsible study of Bill C-2 that took place in the Legal and Constitutional Affairs Committee of the Senate, the government would not have had the opportunity to put forth 47 amendments of their own to a bill that Minister Baird earlier claimed had been examined under a microscope by his colleagues in the other place.

Frivolous and irrelevant amendments? I think not, honourable senators.

Before I continue, I would like to make it clear that the notion of true accountability and transparency in government is of the utmost importance. The federal accountability act has noble intentions and includes some very useful tools that will strengthen Canada's reputation as a stable and trustworthy nation.

• (1930)

Too often, a statement about the need for accountability and transparency is used in newspaper articles and press conferences to suggest that Canada's political system is broken, that it is corrupt or that those of us who walk the halls of these great buildings are dishonest. Honourable senators, this trend must come to an end. One must not use transparency and accountability lightly. They are powerful words when used responsibly, but they lose their value when used as a political football.

David Hutton, Coordinator of the Federal Accountability Initiative for Reform, described the bill as deeply flawed. He complained that the bill is "complex and it is full of loopholes when you dig into it." Mr. Hutton continued by explaining:

I feel that the committees have been given an impossible task, namely, trying to turn this into effective legislation that meets intent.

Although it is disappointing that the government has resorted to such a flawed process to craft this legislative response to calls for greater accountability, Bill C-2 demonstrates how wise our Fathers of Confederation were when they created this chamber of sober second thought to look for the sometimes unintended consequences of proposed legislation and, as is stated in our observations, to let the intercession of time and reflection play its role in helping attain good order and government for all Canadians.

Our first challenge in the monumental task of studying Bill C-2 was deciding how to organize ourselves efficiently. Due to the size of the legislation, it was decided to ask senators to concentrate on specific areas of interest instead of asking each member on the committee to try to gain an in-depth knowledge of the entire bill. Permit me to review briefly each of the subject matter areas of the bill.

Although this bill is divided into five parts, the subject matter approach does not directly follow the five parts of the bill. The subject matter areas are ethics and conflict of interest. Senator Joyal led the questioning in that regard. Senator Zimmer led the questions in regard to political financing. With regard to lobbying, Senator Campbell led the questioning. With regard to access to information, Senator Milne led the questioning. I led the questioning with regard to the parliamentary budget officer. Senator Cowan led the questioning concerning whistle-blower legislation, as well as audit powers. With regard to the office of the director of public prosecution, Senator Baker led the questioning. Senator Mitchell led the questioning with regard to procurement. Senator Milne led the questioning with regard to public appointments. Concerning retroactive and retrospective application of the law and priority status, I led the questioning.

Honourable senators can see the breadth of subject matter that is being dealt with in this piece of legislation.

Over the next short while I will provide an overview of these various areas that have been dealt with. Each of these senators will in turn, I expect, be speaking with respect to their particular area of subject matter and providing a more in-depth analysis of the amendments that took place in relation thereto.

First, the Honourable Senator Joyal was the lead questioner on the part of Bill C-2 which covers conflict of interest and ethics issues for parliamentarians and senior government officials. The bill proposes a stand-alone statute, namely, the conflict of interest act. This new act would set out the duties, powers and responsibilities of the new conflict of interest and ethics commissioner insofar as ministers, their staff and public office-holders are concerned. The conflict of interest act would include a code of conduct that these individuals would be required to follow.

A major change proposed in Bill C-2 is the merging of the two current ethics positions, the Senate Ethics Officer and the Ethics Commissioner, into one so that the new conflict of interest and ethics commissioner would have jurisdiction over all members of the House of Commons, the Senate and senior public office-holders.

As Senator Joyal will confirm in the coming days, the committee heard no convincing evidence to support this move to decrease the number of ethics officers from two to one. Placing into the hands of a single commissioner the responsibility for overseeing three codes, all the members of the Senate and the House of Commons, as well as thousands of public office-holders, and then making him or her accountable to three separate and constitutionally independent authorities will not increase accountability. Consequently, our committee recommended that Bill C-2 be amended to keep in place the existing system insofar as a Senate Ethics Officer is concerned.

Some Hon. Senators: Hear, hear!

Senator Day: Honourable senators, we heard from many witnesses who suggested there should be three regimes, one for the Senate, one for the House of Commons and one for senior public office-holders. We opted not to go that far, although in our observations we pointed out that, namely, we did hear convincing evidence in that regard from many witnesses. We felt any decision in that respect should be made by those who would be affected by that decision.

We also heard that there should be a preamble like there was in the Prime Minister's code since Mr. Mulroney's days. However, it was dropped when the code was taken from being a non-statutory code to being a statutory code. Many indicated that general principles are important in legislation dealing with ethics.

We also amended the definition of conflict of interest to take it back to where it had been previously to include potential and apparent conflict of interest, as well as simply actual conflicts of interest.

The Honourable Senator Zimmer acted as the committee's lead on the proposed changes to the political financing legislation. The changes contained in Bill C-2 were described by Minister Baird as building on major reforms that were put in place in Bill C-24 by the government of Prime Minister Chrétien in 2003.

Bill C-24 was the most significant reform of political financing since the Election Expenses Act of 1974 and consequently contained a clause that called for the House of Commons committee to conduct a review to consider effects of the provisions of this act concerning political financing. It was so significant a change there was a built-in review mechanism. According to section 63(1) of Bill C-24, that review would take place after the Chief Electoral Officer submitted his report to the House of Commons following the first general election held under the new financing rules.

The first part of the report was tabled by Mr. Kingsley in September 2005. He said that he would present a second report that would deal with political financing reforms. However, instead of waiting for Mr. Kingsley's report on political financing and having an objective and methodical review of new financing laws by the House of Commons, including the \$5,000 limit as required by Bill C-24, the Conservative government decided to bring forward major new changes to those same financing laws in this bill without any review whatsoever.

• (1940)

To now proceed with further significant changes without having the benefit of that review does not appear to be the most rational way of dealing with such a critical element of our democratic electoral process. The government has failed to produce any evidence whatsoever that the existing limits are somehow undermining the political process.

Furthermore, the political financing legislation in Bill C-2 was drafted by a government that is confused about the current rules regarding convention fees and their inclusion in political donation limits.

As a result of the testimony presented to the committee, we made recommendations for change. We stated in our observations that we felt it was not wise to move from the \$5,000 limit until we had more objective information. However, the government made a decision to move, and we stated that move was based on incorrect information.

We had two options. We could say convention fees should be an exception and should not be included and that we would draft an exception for it. In our view, that exception created a black hole for funds to be put in and never reported. We opted for full and complete disclosure, and we said the convention fees should be included.

Therefore, when we took into consideration approximately \$1,000 for convention fees in a year, we increased the figure to \$2,000. In other words, we agreed to follow the government's lead and move the \$5,000 down to \$2,000. We accepted the separation of part of the funds going to the national party and part of the funds to the local riding association. We thought it was a good idea and it would help foster the viability of the local riding associations.

I fully expect when Mr. Baird and his group have an opportunity to review the amendments, they will accept our amendments, this bill will receive Royal Assent and will be brought into force, and this clause with respect to political financing will come into force on January 1, 2007.

We made no change on corporate and union donations. We heard compelling evidence that this provision may well not stand the scrutiny of a court challenge.

A point raised was more than one leadership convention in a year, and we handled that issue. We heard from many small political parties. I think this issue is important for us to appreciate.

Small political parties say for a \$20 limit and anything over — they pass the hat at a meeting — they must file a report. These small parties say it is too onerous for them, and it is counterproductive. We decided not to make a change but we made strong recommendations in that regard.

We did not change the decision that the Chief Electoral Officer appoints the returning officer in each of the electoral districts. We thought that was a good advancement and a good provision in this legislation.

With respect to lobbying, the committee's study of the proposed changes to the Lobbyists Registration Act was led by Senator Campbell, who will give a detailed overview of the committee's amendments in the coming days.

It is my intention to provide honourable senators with a synopsis of the main themes of this lobbying area, which were presented to the committee by those who will be directly influenced by the proposed changes to the lobbying legislation.

Our committee heard testimony from witnesses across the political spectrum regarding the proposed five-year ban on engaging in lobbyist activities for former ministers, ministerial staff and certain senior public servants. The common refrain was that the five-year ban is excessive and unwarranted. It will have the effect of depriving the government of the services of capable and qualified Canadians who will not wish to face such a ban after they leave public service.

We were moved by that testimony, but we did not amend the legislation. Again, honourable senators, we made a strong observation to the government in that regard.

We told Minister Baird that we would do just that; namely, we would not rewrite this act entirely, making as many amendments as we thought should be made. We would make those amendments that we thought must be made, and we made strong observations that form part of our report, which Minister Baird, the President of the Treasury Board, agreed to give close consideration to, as well as the amendments.

Similar to the reservations I expressed with regard to the Conservative government's failure to follow through with the legislative review of Bill C-24, political financing, before taking action, Parliament has not yet reached the time for the planned five-year review of the Lobbyists Registration Act before the changes proposed in Bill C-2 were brought forward.

The committee heard repeatedly that the real problem with respect to the lobbying industry did not arise from defects in the law as the law currently exists, but from individuals and organizations that do not comply with the law — unregistered

lobbyists. We wanted to understand better why large organizations such as the National Citizens Coalition, who relentlessly advocate initiatives seen as lobbying by most every Canadian, are not registered as lobbyists under the act.

Some Hon. Senators: Hear, hear!

Senator Day: We regret that the National Citizens Coalition did not accept an invitation to appear before us. We also regret that Bill C-2 does not address this problem.

We feel a five-year cooling off period is excessive. If you look at the Conflict of Interest Act at the front end of Bill C-2, you will find that former cabinet ministers have a two-year ban in representing companies and organizations before the government after they retire, with the possibility of getting an exception.

If you go to another part of Bill C-2, the Lobbyists Registration Act, there is a five-year ban for the same individuals as well. That inconsistency illustrates Bill C-2 was put together by different teams, and inconsistencies are found throughout.

Concerns about non-registered lobbyists must be addressed, but these concerns are not addressed in this bill. Not-for-profit organizations, the smaller organizations that are the backbone of our communities, express concern about the heavy filing requirements, but that concern is not addressed in this bill. We felt we could not create two standards, so we made a comment in our observations.

The most interesting part of the study in this area, honourable senators, is a preamble that states lobbying is a legitimate activity. There are references throughout to lobbying, but there is no definition for "lobbying." It may be that if there were a definition for "lobbying," even though it might be difficult to define, it would help catch some of the loopholes that are now obviously in this legislation.

• (1950)

It is safe to say, honourable senators, that access to information was the most difficult part of Bill C-2 for us to deal with — both to properly understand, and then attempt to fix, the amendments to the Access to Information Act and the Privacy Act, and the relationship between those two acts. Honourable Senator Lorna Milne was burdened with the task of leading our committee through this mystifying piece of legislation, and I look forward to her speech on this subject in the coming days.

The provisions of the Access to Information Act are scattered throughout the bill. Exceptions have been crafted upon exceptions, and there is a strangely divergent treatment of apparently similar information, depending on where it is held in the government.

Much has been made of the Conservative government's attempt to legislate a more open and transparent public service; however, but witness after witness appeared before our committee presenting views that suggested otherwise. On September 21, Jennifer Stoddart, the Privacy Commissioner of Canada, was before the committee and said the following — and I quote:

While I fully support the underlying goals of greater accountability and transparency, I am concerned about the impact Bill C-2 will have specifically in respect of some major Crown corporations which, in my view, goes directly against the intended objective of the bill.

Remember Bill C-2 is about transparency. It also modifies part of the Privacy Act, and, ironically, it has the effect of diminishing the transparency in some of the Crown corporations....

Jennifer Stoddart told us that she, as our Privacy Commissioner, was not consulted on this proposed legislation before it was presented.

Some Hon. Senators: Shame!

Senator Day: Instead of introducing a package of amendments to the Access to Information Act that was promised by the Conservative government during the last election, the current government tabled a discussion paper on reform in the act. We appreciate the need for careful study of legislative proposals, and we are pleased that this government is prepared, at least in the matter of the Access to Information Act, to give Parliament the time it needs to study a proposal. We hope, however, the government will not use this study as an excuse to delay unduly the introduction of a full package of necessary amendments to the Access to Information Act.

In testimony before the committee on September 20, Alan Leadbeater, the Deputy Information Commissioner that administers the Access to Information Act, clearly expressed his concern with the proposed legislation in Bill C-2:

All I can say is that we are begging this committee not to allow these provisions related to access to information to become the law of this land.

As a result of that compelling testimony presented to the committee, the following observations and amendments were made.

The Office of the Information Commissioner of Canada does not want us to proceed, but we felt that the fact that the amendments in Bill C-2 were expanding the base to bring in Crown corporations and other government institutions was worthwhile, and that should not be abandoned. We recognized, however, that some of those other institutions that were being brought in needed special consideration — for example, the National Art Centre — because they wanted to be able to protect the names of their donors. There are other organizations, like Export Development Canada and Sustainable Development Technology Canada, which deal with intellectual property rights of their applicants, and there have to be provisions to protect those special rights.

We ensured that there should not be retroactivity. My honourable colleague made mention of this and he asked why. The short answer is that retroactivity is not desirable and it is not necessary. The new organizations that are being brought in under this umbrella of access to information said that they will set up their systems, that they will follow the systems that they set up and that they are quite content, as long as certain areas of

protection are built into the system, to be under the legislation. However, for anything they have done in the past, they did not have those systems in place. They did not know that potentially their files might be open, under the Access to Information Act, to potential competitors, to people that would be interested in the intellectual property rights or the donors' lists. We said that retroactivity should not apply and that it would be unfair if it did.

We did, however, provide for two overriding principles. One is the injury test, the individual injury test. The commissioner should have the right to determine, for example: "I am inclined to put this information out, but there may be some injury to the individual or the organization and therefore I will not." The second overriding test — and both of these were recommended by many witnesses — is the public interest override. The inclination is to keep the information confidential, but there is a greater public interest in letting the information out there. Both of those discretionary tests are in there.

The next heading, honourable senators, is "Whistleblower Protection." At the outset, I feel it is important to note that the Public Servants Disclosure Protection Act prepared by the previous government was passed by the last Parliament on November 25, 2005, immediately before the dissolution of Parliament. Almost a year has passed since then, yet the current government has refused to proclaim that act into force — the existing act that has been passed.

Some Hon. Senators: Shame!

Senator Day: As a result, the protection to the public servants that was created under that legislation has been held hostage. Those rights, that protection, has been held hostage for political gain.

Joanna Gualtieri, who is the Director of the Federal Accountability Initiative for Reform and one of the most prominent, determined and passionate advocates for whistleblower protection in Canadian history, told our committee:

...I have reflected on the fact that it has been said that the senators really must pass this bill because if they do not, they will be seen to be turning their backs on accountability. We genuinely believe that the Senate's finest hour will be found in being proponents of accountability. That will be done by getting back to the drawing board and doing this right. We have waited a long time for whistle-blowing protection.

Senator Stratton: Thirteen years.

Senator Day: She continues:

The public service and Canadians are dependent on you to implement this correctly.

Honourable senators, before you have an opportunity to hear from our lead, Senator Cowan — I think that might have been Senator Campbell — please allow me to give you a brief overview of the amendments proposed by our committee. What we were looking for was balancing what we feared could be the heavy hand of the public service against the individual whistle-blower —

or, as Senator Campbell said, "the information patriot" — that is, the individual who is prepared to stand up and point out what is wrong.

We looked for ways we could rebalance this. Specifically, if within a year a reprisal is alleged by the whistle-blower, and there appears to have been something transpire, then the onus would be reversed and it would be up to the employer, the public service, to prove that it was not reprisal that had resulted in the individual's suffering.

There was a 60-day limitation period for bringing a reprisal to the attention of the government if an individual felt a reprisal action was being taken against him or her. I repeat — 60 days. Honourable senators can understand how quickly 60 days could pass in a workplace environment. An employee would not know if his or her boss might just be having a bad day or a bad week — 60 days can happen very quickly. We changed that to one year.

There was provision for legal assistance.

• (2000)

The legal assistance, said the commissioner, has the discretion to allow someone who brings forward information. A figure of \$1,500 in total could be made available for legal fees. We changed that to say that Treasury Board guidelines should apply not only to the individual who is still in the government, but to others as well. That is \$25,000 up from \$1,500.

Turning to the subject of the public appointments commission. Clause 227 of this bill amends the Salaries Act to allow for the establishment of a public appointments commission — that is where you find it, in the Salaries Act — by the Governor-in-Council. The commission is to consist of a chairperson and not more than four members who can hold office for five years and may be reappointed for further five-year terms.

The public appointments commission does not look after appointments. The public appointments commission is a body that ensures that each minister in each department has set up an appointment process that is fair. It is important for us to understand that particular function.

It is provided that this commission will develop an appointment practice code. The committee urges the government to make this code public as soon as it has been prepared. That code will be available to each of the ministries, and each of the ministries will be tested against that code. We would like to see the code. It would be helpful.

As this concept had received so much comment, we changed the provision from saying that the Governor-in-Council "may" establish this public appointments commission to "shall" establish this appointments commission.

Honourable senators, of all the areas, the director of public prosecutions was the one in which the evidence that came forward surprised me the most. I went into this wondering: Why; what is wrong with our system? I felt that the result of this inquiry would likely have been to suggest it was unnecessary and we should not be doing it.

However, we heard from several witnesses who said that this cannot be that serious. I will mention their names in a moment. First, let me mention what Arthur Kroeger said on June 28:

I am not clear as to what problem it intends to solve. You have a Deputy Minister of Justice; you have an Assistant Deputy Minister, whose function is prosecutions. Virtually all prosecution is handled under the Criminal Code and administered by the provinces. I am puzzled as to why the position was necessary.

To add to our committee's doubt of the position's necessity, the Minister of Justice admitted that there is no problem with the prosecutorial independence at the federal level. He testified:

The men and women who constitute the Federal Prosecution Service have been faithful guardians of prosecutorial independence. We are not here to correct a problem that has already occurred; we are here to prevent problems from arising in the future.

Despite the committee's concerns, we recognize that this policy was an important part of the Conservative Party's election platform, and we were reluctant to reject it.

Furthermore, testimony from former Chief Justice Antonio Lamer outlined that we had been living without a director of public prosecutions at the federal level since Confederation. Nevertheless, he suggested that the system cannot have too many eyes giving a second look to a proposed prosecution.

As the committee has outlined in its report, we were concerned to see the proposed appointment process for the new director of public prosecutions. That was our major concern, honourable senators. If we are going ahead with this concept, we are replacing the merit position within the Department of Justice. The new director is chosen from a group of 10 who are proposed by the Minister of Justice, the Attorney General. In other words, there is the possibility, honourable senators, under the proposal for interference at a partisan level. We took out that aspect in our amendment to provide that an independent committee will provide three names to the Attorney General, and the Attorney General will then choose one of those three names.

Honourable senators, in conclusion, the question one should ask is: Do we have a perfect bill now that we have proposed these amendments? The answer is: No, we do not. That is why I cannot stress enough the importance of the committee's observations. There remains much work to be done, honourable senators, on a number of statutes in an effort to improve openness and transparency.

With the amendments we have made and the government action recommended —

The Hon. the Speaker: Honourable senators, Senator Day is almost finished, as he has indicated. We had to go over a little bit with Senator Stratton. I recommend either we follow the rule or — did Senator Comeau want to say something?

Senator Comeau: I heard His Honour say that Senator Day is almost finished, so I imagine that means a couple of minutes.

Senator Day: Two minutes.

Senator Comeau: Two minutes is fine. We will accept two minutes.

Senator Day: Honourable senators, with the amendments we have made and the government action recommended in our observations, we see this as a good first step towards a more accountable federal government. Many millions of dollars were spent on the Gomery Commission, and I feel that his 19 recommendations deserve more attention than what has been afforded in Bill C-2.

If the proposed legislation is intended to prevent another ad-scum, as John Gomery said in a CBC interview, it is beyond comprehension why the Conservative bill ignores virtually all of the recommendations of his inquiry.

There are some steps that will require further vigilance of this chamber and the House of Commons: Proper funding for the various commissions being created, like the Parliamentary Budget Officer; scrutiny of the many regulations that need to be developed so that we really understand where this legislation is going; and the review currently under way in the House of Commons with respect to the Access to Information Act.

We should continue to urge action on Mr. Justice Gomery's main recommendations that parliamentarians and parliamentary committees be given adequate funding to use the information currently available to them and the more information that will become available to them with all the new agents of Parliament being created under Bill C-2. All of this information is to be used for the purpose of holding the government to account and, further, to use these resources here in the Senate to perform the valuable role that Bill C-2 has helped us to illustrate — that role of improving legislation sent to us by the House of Commons.

That is what your committee has done, honourable senators, and we respectfully request your support of our amendments to this bill.

• (2010)

[Translation]

Hon. Pierre Claude Nolin: Honourable senators, I have been a member of the Standing Senate Committee on Legal and Constitutional Affairs for 13 years and I believe that we are in a unique position today.

The work carried out by the committee has certainly been remarkable. It heard over 150 witnesses during more than 30 working sessions. This work resulted in the committee deciding to make over 150 amendments to the bill, bearing in mind that approximately one third of these amendments were technical amendments proposed by lawyers for the government and, specifically, the Treasury Board Secretariat.

Some of the amendments were adopted unanimously as we agreed that the bill had some major problems that had to be addressed.

Nevertheless, honourable senators, we are not the government. And for those who wish to form the government, they can do so, but in the other House. I know the majority of my colleagues are

Liberal, and some of them, unfortunately, in committee, could not resist that temptation, which I know is often very strong. I experienced this situation myself in 1993, 1994 and 1995, when the majority in the Senate was Conservative, although the government was Liberal.

I would remind honourable senators on the committee that, when the Senior Counsel of the Treasury Board Secretariat, Mr. Wild, appeared as a witness during clause by clause consideration of the bill, every time we asked Mr. Wild a question, he always began his responses by saying, "This represents a major shift in policy, which is why the government chose that direction. The proposed amendment goes against this policy."

Honourable senators, we are the Senate of Canada. Senator Day referred earlier to the intentions of the Fathers of Confederation, as they envisioned the Senate. I do not believe they thought the Senate would replace the government. I believe they envisioned the Senate as having a duty of restraint with respect to government action. It is very tempting, especially in a majority situation. However, having a majority also means an obligation to return to first principles to try to understand how to use this majority.

This is why I decided to rise this evening to face my colleagues who were sitting around the committee table when we studied the bill clause by clause and to tell them that I do not think they acted in a manner that respected the intention of the Fathers of Confederation.

We must apply this duty of restraint when the government's policies — even when there is a minority government in the other place — are clearly identified by those to whom is entrusted the responsibility of advising the government as impartially as possible when we ask them to appear before us and inform us of that intention.

Honourable senators, I would like to give you two examples, just as I did the evening we received the comment book from our Liberal committee colleagues. For the Senate's benefit, I would like to review two examples that I believe illustrate the extent of this chamber's power.

The first example relates to the act introduced by Mr. Chrétien's government in 1994 to cancel the Toronto airport renovation contracts. The second relates to the bill, not yet passed, concerning animal cruelty.

These two examples show that, in exercising its governmental power, its policies, and its political will, the government acted against the rule of law in the case of the Toronto airport and against Canadian jurisprudence in the case of the animal cruelty bill.

In both cases, your Standing Senate Committee on Legal and Constitutional Affairs convinced itself that the only option was to block the adoption of these two measures, so it opposed them because your committee, at that time, determined it should abandon its duty of restraint and inform the Parliament that the government's action was illegal. And in both cases, your committee did as it should have done.

I was present during those reviews, and each time, we tried either to make amendments or to convince the government's representatives that their measures should be amended so they themselves could propose such amendments. In both cases, no amendments were made, and in both cases, the Senate took it upon itself to ignore the duty of restraint and either force an amendment to remove the political element or simply reject the legislation.

Every time Mr. Wild told the committee: "This is a major policy change", this should have raised a red flag in everyone's mind. Most of my colleagues in committee did not see this red flag; that is why I decided to speak to you this evening to explain that exercising political power in the Senate involves a duty of restraint and, although our powers are somewhat similar to those of the House of Commons, we cannot pretend to be a chamber that can jeopardize a government's policies.

It is tempting to do so when one has a majority, but that is not our role. The political governance of Canada takes place in the other chamber. Our role is to ensure that the government in its actions respects our fundamental laws, the Constitution, the Charter, and Canadian jurisprudence. It is not the role of the Senate to govern. Unfortunately, honourable senators, what your committee proposed is just that.

Your majority in committee, not satisfied with acting on its desire to govern and to amend the bill, felt authorized to introduce observations and to table a 60-page document of observations. For those of you who end up reading it, you will find some very fine political discourse, but it has no place in the Senate.

I will draw your attention to part of this text.

• (2020)

The second-last paragraph on page 658 of the *Senate Journals* contains this sentence:

We remain puzzled about why the government would have dismissed Mr. Justice Gomery's recommendation and instead proposed a much more restrictive definition of what constitutes reprisals by employers against whistleblowers.

Honourable senators, it is not the Senate's role to question or try to determine the government's political motivations. The government made political choices. If it was wrong and if Canadians reach that conclusion, they will decide the government's fate when the next election is held. It is not up to the Senate to do so.

I understand that some of you are frustrated with the result of the last election. Nevertheless, it is not the Senate's role to question the government's political intent.

Honourable senators, we will have a debate at third reading of the bill, and I hope to have the opportunity to speak at that point. I feel that the report you have before you is ill-advised and should not have been adopted. However, the Liberal majority on the committee decided otherwise. I humbly ask you to reject these amendments.

[English]

Hon. Larry W. Campbell: Would the honourable senator accept a question?

The honourable senator speaks eloquently of why, according to his personal reasons, the amendments made by the Senate committee are outside our jurisdiction. While I am very junior here and admit that, unfortunately I do not know where he comes by these qualifications to be the person to decide what this house is doing and what is right and not right.

I would suggest to the honourable senator that the idea that we slather for some sort of a power is ill-conceived on his part.

Is it not true that the honourable senator's comments are solely based on whose ox is getting gored and not on the facts of the issue?

[Translation]

Senator Nolin: Honourable senators, I will be pleased to answer that question. My answer has two parts.

First, my interpretation of the Senate's authority is based on a book published under the direction of the Hon. Senator Joyal. With the help of several Canadian experts, the authors examined the role and purpose of the Senate. Based on that book, I spoke about the duty of restraint that, in my opinion, senators must discharge when they act.

I will not answer your second question, Senator Campbell, because it does not strike me as likely to stimulate an intelligent and useful debate.

[English]

Senator Campbell: I am glad that the honourable senator has read Senator Joyal's book, because I, too, have read this tome. I find it incredibly interesting, and it was the basis for my accepting this position in the chamber.

Frankly, although I have to admit my memory may not be as good as that of the honourable senator, I cannot recall any one section in there that bolsters the argument that he is putting forward that somehow this Senate committee was acting unethically, outside its bounds or in any way that would bring disrepute to this place.

Would the honourable senator consider re-reading the book to see if it does, in fact, bolster his argument?

[Translation]

Senator Nolin: Honourable senators, after hearing Senator Campbell's remarks, I think I will re-read Senator Joyal's book. However, I believe my memory serves correctly and leads me to conclude the following. Although we hold powers similar to those of the House of Commons, in 140 years of Senate existence, we have acted while exercising this duty of restraint, which is part of the philosophy that the Fathers of Confederation had in mind.

On motion of Senator Fraser, debate adjourned.

CONSTITUTION ACT, 1867

BILL TO AMEND—REPORT OF SPECIAL COMMITTEE—DEBATE ADJOURNED

The Senate proceeded to consideration of the first report of the Special Senate Committee on Senate Reform (subject-matter of Bill S-4, An Act to amend the Constitution Act, 1867 (Senate tenure)), tabled in the Senate on October 26, 2006.

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, I am delighted to have this opportunity to speak to the matter of the first of two reports prepared by the Special Senate Committee on Senate Reform, that is, the report on the subject-matter of Bill S-4. Later this week, I will speak on the report concerning the Murray-Austin motion, which aims to increase senate representation for the western provinces.

Furthermore, in the coming days, I will address the motion aimed at extending the work of our committee, given the many questions raised on page 35 of our report on Bill S-4.

[English]

First, I would like to thank members of the committee and, in particular, the deputy chair, Senator Angus, who have dealt with a complex subject with great insight, efficiency and open-mindedness. Many of our witnesses commended the non-partisan nature and expertise of the Senate, and our committee exemplified both qualities admirably.

Moreover, I would like to thank the clerk, Cathy Piccinin, the Library of Parliament's researchers, led by Dr. Jack Stilborn and all members of staff. No acknowledgement would be complete without highlighting the exceptional dedication of our translators and interpreters. Our schedule of hearings was intense, our deadline for drafting the report fairly short and all staff performed admirably and professionally throughout.

I wish to begin my observations by emphasizing that Bill S-4 as it stands will not affect sitting senators. The views expressed about Bill S-4 are not based on personal interest, but rather are grounded in the involvement and governance of this complex federation we call "home."

I believe that senators have a unique and extensive knowledge and expertise about the Senate's role and that their views on reform will be guided by experience and a desire to make this institution and our federation better.

Honourable senators, it has often been said that calls for Senate reform are one of the enduring features of Canadian political life. Reform of the Senate has been a discussion topic from the earliest years following Confederation. The issue was debated in the House of Commons as early as 1874 and several times after that, as well as in the 1887 interprovincial conference with proposals ranging from outright abolition to allowing the provinces to choose senators.

Despite all this talk of reform, there have been only two constitutional amendments regarding the Senate since 1867, one of which was the mandatory retirement age at 75 enacted in 1965, and the 1982 qualified veto over certain constitutional matters.

As well, over the past 30 years, there have been at least 28 important proposals for Senate reform, including two major constitutional initiatives, none of which have produced change.

Honourable senators, the latest proposal for reform in the Senate was introduced by the government last May. This is the first constitutional proposal regarding Senate reform introduced by a government in over 15 years, and it deserves our careful consideration.

• (2030)

When first addressing the issue of Senate reform in their campaign platform the Conservatives said they wanted to create “a national process for choosing elected senators from each province and territory.”

As well, in its Speech from the Throne, the government said it was determined to modernize the institution so that it better reflects the democratic values of Canadians and the needs of Canada’s regions. In introducing Bill S-4, which would limit the term of new senators to eight terms, the government characterized this bill as a first step in the reform process.

[Translation]

Given the significant change being proposed and the need to examine Senate reform in a broader context in order to help us make a well-considered decision in the matter of this bill, the Senate created a special committee to examine the intent of this measure as well as the Murray-Austin motion. In September, our committee held hearings and received testimony from illustrious parliamentary and constitutional experts, including the unprecedented appearance of a prime minister before a senate committee.

[English]

I must underline that our study was helped by the Prime Minister’s willingness to appear before us to explain the bill and to comment on Senate reform. When he testified on September 7, the Prime Minister said that the purpose of Bill S-4 was to “make the Senate more democratic, more accountable and more in keeping with the expectations of Canadians.” As well, he indicated the next steps toward a more effective and democratic Senate will take place “hopefully this fall [when the government] will introduce a bill in the House to create a process to choose elected senators.”

[Translation]

It is interesting to note that some of the witnesses were of the opinion that any reform should wait until the other changes proposed have been studied, or at least wait for the next element to be put in place. Mr. Gordon Gibson said:

Senate reform cannot be incremental. These things are so intertwined and so many tradeoffs are involved, you have to deal with them all at once. I understand that is a serious constitutional problem that is messy and complex.

However, most witnesses were of the opinion that we could go ahead with this bill, and did point out that we should consider it in the context of a broader reform of the Senate.

[English]

Having long been an advocate of Senate reform I am intrigued by the Prime Minister’s promise to elect senators. However, such elections raise numerous important questions. For instance, although having the Prime Minister appoint senators using advice of his or her choice does not violate the Constitution, it does create, as experts pointed out during our committee’s hearings, a somewhat illusory situation. Accordingly, even if the current Prime Minister feels bound to appoint senators chosen by advisory or consultative elections, there is no guarantee his successors will.

Honourable senators, it also remains to be seen whether the government’s promised follow-up bill will provide a Senate that is appointed through advisory or consultative elections. During our hearings, witnesses did not all agree on whether such reform could be achieved without resorting to section 38 of the Constitution, which requires substantial provincial consent. However, they all agreed that a truly elected Senate would involve major changes to Canadian constitutional law and conventions, and require engagement with the provinces.

Be that as it may, the upcoming bill on electing senators will no doubt figure prominently in the speeches given by honourable colleagues during our discussion of this report as well as during our subsequent debates on Senate reform.

One of the main criticisms of Bill S-4 during the second-reading debate pertained to the bill’s constitutionality and whether the government could proceed with the reform without approval from the provinces. However, after hearing from numerous scholars and constitutional experts, the committee concluded that Bill S-4 could proceed under section 44 of the Constitution Act, 1982, which stipulates that Parliament can “exclusively amend the Constitution in relation to the executive Government of Canada, the Senate and the House of Commons.”

Some of our witnesses suggested that there was some doubt about this, and that it might be advisable to refer Bill S-4 to the Supreme Court of Canada to establish its constitutionality. For instance, Professor David Smith from the University of Saskatchewan called for such a referral. He argued that it should be established whether the change proposed by the bill was compatible with the Senate’s role as protector of regions and minorities, acting with considerable independence from the executive. However, the majority of witnesses felt the constitutional issue was sufficiently clear and that a reference would not be necessary.

In addressing the constitutionality of Bill S-4 and the change in tenure, senators and witnesses often alluded to the Senate Reference, or the Supreme Court’s 1979 decision on the Senate. According to the court, a change in tenure appears to be within the powers of Parliament acting alone, or by virtue of section 44, as long as it does not affect a “fundamental feature or essential characteristic” of the Senate.

Most witnesses agreed that shortening terms to eight years would not affect such characteristics, and that Parliament could act alone in implementing this change. However, there was less agreement on how much that tenure could be reduced. As a government witness acknowledged, one year clearly would be too

little, potentially allowing for abolition, which constitutionally requires unanimity. Most committee members endorsed the underlying purpose of Bill S-4, namely that a defined limit to the terms of senators would improve the way Canada's Senate operates. Members agreed that limiting terms would provide a more vigorous circulation of ideas as well as invigorate the Senate and enhance its credibility. However, there was some difference of opinion with regard to the length and renewability of terms.

I pause for questions here, honourable senators, but perhaps questions at the end would be more convenient.

Senator Murray: We have already had a vigorous circulation of ideas tonight, sir.

Senator Hays: For my part, I find the non-renewable 12-year term interesting, since it would allow for a greater turnover of senators while also helping to preserve greater independence from the executive.

Moreover, since the Prime Minister indicated he was willing to entertain amendments pertaining to the length of tenure, when he appeared before committees, we should take a look at a longer term. Before taking a final position on this issue I will listen carefully to the views of my colleagues.

Among other major concerns expressed about Bill S-4 as it stands is the possibility it would allow a Prime Minister in office for two terms to appoint close to the entire Senate and that the renewability of terms would undermine the independence of senators. This concern would not be a problem if we have an elected system; however as it stands, without further reforms, Bill S-4 would actually increase the Prime Minister's control over the Senate.

Honourable senators, in determining what length of tenure would be most appropriate, whether something important might be lost by electing senators, and other issues raised by Bill S-4, I believe it is important to underline that great care must be taken in proceeding with Senate reform. We must take this opportunity to build something even better than what we have, and not just destroy it in the hopes of something better emerging.

Two of our witnesses, Professor McCormick and Mr. Gibson, agreed with that view. In response to a question, Mr. McCormick said, "Political institutions take a long time to build properly and get working, but they are incredibly easy to smash..."

To which Mr. Gibson added, "Whatever happens, the current Senate works. Improve it by all means, but do not make it worse."

Honourable senators, any objective assessment of the Senate and its work confirms that it plays a useful and important role in our parliamentary system, and any reform of the Senate must take this role into account ultimately to produce concrete improvements.

I believe that as we move ahead with this exercise to debate, study, pass, amend or reject Bill S-4, we must remember that any reform to our Senate must be conducted with great care and with the ultimate purpose of improving the institution.

• (2040)

In studying Bill S-4, the committee was constantly drawn into further discussion on what I would call "the structure of Senate Reform" or "the role of a modern Senate within our parliamentary structure." There are examples of that today. However, more study needs to be done in this regard. I will argue later this week that the committee continue to explore other possible reforms that can proceed under section 44 and to discuss a model for a modern Senate. The model is not to be proposed as a constitutional initiative, but rather a model that might help senators to better understand how incremental reform might lead to a better Senate.

In short, Bill S-4 and the Murray-Austin motion have placed us in the arena of Senate reform. Both matters are to be seen as only the beginning of a process that, once undertaken, is difficult to stop. It will involve competing interests, differing views and multiple agendas, but it is a task worth undertaking in my opinion and a job worth completing both for the Senate and for Canada.

Senate Reform should be guided by the history, logic and value of the system. We should recognize and build on what is uniquely Canadian about our Senate and avoid importing approaches that, while they may work in other countries and in different contexts, might be completely at odds with our system of government and political culture.

[Translation]

To guide us and perhaps inspire us when we undertake the task awaiting us, I would like to conclude by quoting one of our witnesses, Professor Daniel Pellerin:

What Canada needs is not just a changed or slightly improved Senate but the best Senate we can bequeath to posterity. That is our call and our duty and we should aim for nothing less... only that can be the standard by which our work has to be measured and by which we will stand or fall before those in the years to come who will ask themselves, what did those ladies and gentlemen do for Canada at home?

[English]

Honourable senators, I look forward to our continued study and debate of this issue. I know that with our experience, expertise and institutional memory, we will help to renew a great institution and achieve something of which all Canada will be proud.

Hon. Lowell Murray: Might I ask the Deputy Leader of the Government what the intention of the government is with regard to this matter before the house? There is a report of the committee, to which the Leader of the Opposition has just spoken, on the subject matter of Bill S-4. The bill has not yet received second reading and is still on the Order Paper. Are these two debates to go forward in parallel fashion or will the house conclude the debate on the subject matter before returning to the bill? Has there been any discussion or arrangement between the two sides on this matter?

[Translation]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, both subjects can certainly be debated simultaneously. Nothing prevents us from referring Bill S-4 to committee. In fact, that is what we would prefer.

That would not prevent certain senators from taking part in the debate at the report stage. I expect there will be other discussions about how to proceed.

On motion of Senator Comeau, debate adjourned.

[English]

PARLIAMENTARY EMPLOYMENT AND STAFF RELATIONS ACT

BILL TO AMEND—SECOND READING— DEBATE ADJOURNED

Hon. Serge Joyal moved second reading of Bill S-219, to amend the Parliamentary Employment and Staff Relations Act. —(*Honourable Senator Joyal, P.C.*)

He said: Honourable senators, Bill S-219 appears technical, but it is closely related to another item on the *Order Paper and Notice Paper* at page 17: Motion No. 104, introduced by the Honourable Senator Andreychuk. In her motion, she proposes that we refer to the Standing Committee on Rules, Procedures and the Rights of Parliament the issue of developing a systematic process for the application of the Charter of Rights and Freedoms to the Senate of Canada.

I invite honourable senators to pay attention to the situation in which they now find themselves in the Senate, given the decision of and the essential question raised by the Supreme Court of Canada in June 2005. Chief Justice Beverley McLachlin of the Supreme Court of Canada asked the parties in the *Vaid* case:

Is the Canadian Human Rights Act constitutionally inapplicable as a consequence of parliamentary privilege to the House of Commons and its members with respect to parliamentary employment matters?

In simple terms the question is: Are the employees of the Senate, the House of Commons and the Parliament of Canada generally protected by the Canadian Human Rights Act? It is a simple question to put, but the answer is complex. Unable to imagine the contrary, any one of us would think that an employee of the Senate or of Parliament would be protected in his or her human rights and freedoms. How could it be that Parliament would discriminate, perhaps unintentionally, against a Canadian with no course to seek redress?

Senator Andreychuk asked: Does the Charter of Rights and Freedoms apply to the employees of Parliament? We praise ourselves that Canada is blessed by the Charter of Rights and Freedoms, but the clear issue is that no employee of Parliament can use the Charter of Rights and Freedoms in seeking redress before the courts. Honourable senators might be surprised by the decision in the *Vaid* case, but that was the conclusion of the Supreme Court of Canada. Many honourable senators will recall

that the Senate Rules Committee studied this issue over at least eight meetings. Mr. Vaid was the former driver of a speaker of the House of Commons. He claimed one day that he was dismissed on the basis of discrimination. Mr. Vaid happens to be a visible minority. He sought redress at the Canadian Human Rights Tribunal, but the House of Commons lawyers argued that Mr. Vaid could not seek redress at the Canadian Human Rights Tribunal because he was an employee of Parliament and, being an employee of Parliament, his position was privileged.

• (2050)

What does that mean? It means that Mr. Vaid could not go to a court of law to get an order to compel Parliament to put into place a grievance mechanism or compensation that would be adapted to the solution to his case.

The lawyers for the House of Commons argued that all 5,000 employees of Parliament are in that situation. Who are the 5,000 employees of Parliament? I have a list of all of them and I will read that very quickly: The Senate has 605 employees; the Library 400; the House of Commons, 2, 033; the MPs have 1,927, for a total of 4,965. Those statistics do not include casual or contract employees of the Senate.

Therefore, there are 5,000 employees of Parliament. According to the interpretation that the lawyers of the House of Commons put forward at the Supreme Court, none of them are protected directly by the Canadian Human Rights Act.

This seems impossible, in a system with a rule of law, in a democracy that is ruled or inspired by the values of the Canadian Charter of Rights and Freedoms, that such a situation cannot be addressed properly.

The court, in its decision in June 2005, suggested and concluded that an employee such as Mr. Vaid is protected by the Canadian Human Rights Act contrary to what the lawyers of the House of Commons submitted, but that in order to seek grievance or redress, that person must address himself under the Parliamentary Employment and Staff Relations Act, PESRA.

In other words, if that employee feels that he or she has a grievance that involves the Canadian Human Rights Act, that employee cannot go before the Canadian Human Rights Tribunal but must seek redress under the Parliamentary Employment and Staff Relations Act.

The problem with PESRA, which was adopted in 1985, is that it does not provide for protection in terms of its grievance procedure which is equivalent to the Canadian Human Rights Tribunal. It is as if I were to say, "You are protected by the law, but you will not go before a court of justice that will afford you the same kind of protection as if you were to go before a normal court of justice."

For instance, the decisions of the Canadian Human Rights Tribunal are reviewable by a court, but decisions that are rendered under the Parliamentary Employment and Staff Relations Act are not reviewable by the court. More over, the Canadian Human Rights Tribunal can order compensation and can reinstate with the proper mechanism of redress for which the Parliamentary Employment and Staff Relations Act does not provide.

When the Supreme Court concluded that an employee wants to seek redress under PESRA, that employee is less protected than an employee of the Public Service Commission.

There is another act called the Public Service Labour Relations Act that governs public service employees. That act is fairly recent. Honourable senators will remember that we adopted it in 2003. That act is modern in its mechanism to protect a public service employee who seeks redress under a human rights grievance. In other words, that new act, the Public Service Labour Relations Act, calls upon the Canadian Human Rights Commission to appear and to take a stand in support of the employees who seek redress or who have a grievance to file. In our other system, the Parliamentary Employment Staff Relations Act, the Canadian Human Rights Commission has no standing, no right to intervene and no possibility to support the claims or grievances of the employees.

The simple conclusion is that if one is an employee of the public service, generally, one is better protected than if one is an employee of the Parliament of Canada. That seems to be quite strange to Parliament, and especially the Senate, where we are so sensitive to any issue related to human rights and minority issues.

In any bill we always look for the impact of that bill on minorities. The situation in which we find ourselves, however, is that our employees do not have the same protection as the public service employees under the new act that we adopted in 2003. That is what the Supreme Court concluded.

There is another situation that is even more complex. The employees of Parliament are called "privileged." The three clerks we have tonight at the table and the Black Rod who we have at the end of this chamber all have privileged positions. In other words, they evade any review from the court. If they have a complaint to make, according to human rights and freedoms, there is absolutely nothing they can do to go to court, to seek redress under the Parliamentary Employment and Staff Relations Act, because they are not covered by that act, nor are they covered by the Public Service Labour Relations Act.

In other words, we have employees in Parliament who fall into a black hole. There is no regime to cover their rights and freedoms if they are not covered by the Parliamentary Employment and Staff Relations Act or if they are privileged.

The bill I am proposing and the motion that Senator Andreychuk is proposing will address that situation essentially. In other words, it will give to the employees of Parliament who are covered by the Parliamentary Employment and Staff Relations Act exactly the same protection that any employee of the Public Service enjoys under the new act that we adopted in 2003. The motion of Senator Andreychuk will address the condition of employees who happen not to be covered by any of those acts for which the status of protection of human rights has not been addressed and where there is no formal mechanism for those employees to seek redress when their human rights or freedoms are questioned in the object of a grievance.

Honourable senators, the terms of reference that the committee will receive, either to study the bill I am proposing or the motion that Senator Andreychuk will have an opportunity to move and

speaking on — and I am certainly happy to support the motion of Senator Andreychuk and to speak in support of it — is an issue that should be addressed as a whole.

Honourable senators should review those employees who are now compelled to seek redress in a system where they do not have the same protection as in the Public Service and the statutes of employees of Parliament who are not covered at all where their "Charter rights" are at stake. We should provide for these employees in the *Rules of the Senate*, as the other place should provide in its own rulings, because the decision of the Supreme Court of Canada applies in the House of Commons and in the Senate, whereby the proper recommendation could be made for an amendment of the *Rules of the Senate* to address the issue raised by the Honourable Senator Andreychuk.

Honourable senators, I know this is a complex issue and I know it is late, but in looking at the Order Paper today, the bill I was proposing was at the eleventh day and I seek your concurrence so that we can continue the discussion and deliberation of that bill.

On motion of Senator Comeau, debate adjourned.

• (2100)

[Translation]

PERSONAL WATERCRAFT BILL

SECOND READING—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Spivak, seconded by the Honourable Senator Segal, for the second reading of Bill S-209, concerning personal watercraft in navigable waters.—(Honourable Senator Comeau).

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, many Canadians use personal watercraft in their leisure activities. They are also important to the Canadian economy.

[English]

As of January 31, 2005, Bombardier Recreational Products generated revenues of roughly \$2.5 billion. As of March 2005, it employed over 6,200 people. Given these figures, it is easy to see why the matters raised in this bill need to be given very careful consideration.

However, given that the sponsor is not in the chamber at this moment, I would like to adjourn the debate for the remainder of my time so that Senator Spivak may be present for further examination of this bill.

On motion of Senator Comeau, debate adjourned.

**RULES, PROCEDURES AND
THE RIGHTS OF PARLIAMENT****NAME CHANGE OF FOREIGN AFFAIRS COMMITTEE
TO INCLUDE INTERNATIONAL TRADE—
THIRD REPORT OF COMMITTEE ADOPTED**

The Senate proceeded to consideration of the third report of the Standing Committee on Rules, Procedures and the Rights of Parliament (*amendment to rule 86(1)(h)—Foreign Affairs Committee*), presented in the Senate on October 24, 2006.—(*Honourable Senator Di Nino*)

Hon. Consiglio Di Nino moved the adoption of the report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

**INTERNAL ECONOMY, BUDGETS
AND ADMINISTRATION****SIXTH REPORT OF COMMITTEE WITHDRAWN**

The Senate proceeded to consideration of the sixth report of the Standing Committee on Internal Economy, Budgets and Administration (Economic Increase and Budget Increases), presented in the Senate on September 28, 2006.—(*Honourable Senator Furey*)

Hon. George J. Furey: Honourable senators, with the concurrence of the Standing Committee on Internal Economy, Budgets and Administration, I seek leave of the Senate to withdraw the sixth report at this time.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

Report withdrawn.

[Translation]

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I think his Honour will find agreement that all items remaining on the Order Paper and Notice Paper stand in their place.

The Hon. the Speaker: Is it agreed, honourable senators?

Hon. Senators: Yes.

The Senate adjourned until Tuesday, October 31, 2006, at 2 p.m.

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(HANSARD)

Tuesday, October 31, 2006

THE HONOURABLE NOËL A. KINSELLA
SPEAKER



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THE SENATE

Tuesday, October 31, 2006

The Senate met at 2 p.m., the Speaker in the chair.

Prayers.

SENATORS' STATEMENTS

JUVENILE (TYPE 1) DIABETES

SIXTH ANNIVERSARY OF UNITED NATIONS SECURITY COUNCIL RESOLUTION 1325

Hon. Nancy Ruth: Honourable senators, tonight we celebrate the dead and some of those dead are children who died of juvenile diabetes. Today, 45 kids travelled from all over Canada to be here with us. They have juvenile (type 1) diabetes, an autoimmune disease that can lead to life-threatening complications.

These kids are here to take part in the Juvenile Diabetes Research Foundation's "Kids for a Cure" event. They will meet MPs and senators, attend a VIP luncheon and testify before the Health Committee of the other place today.

The theme this year is "Mission Possible" and speaks to the message they have for us that a cure is possible, it is close to realization and it can happen right here in Canada.

Over 200,000 people in Canada have juvenile (type 1) diabetes. Type 1 diabetes is an autoimmune disease and is the most severe form of diabetes. It strikes infants, children and young adults leaving them insulin-dependent for life.

Juvenile diabetes causes kidney failure, amputations, blindness, nerve damage, heart disease and stroke. Diabetes is a costly chronic disease with a price tag of \$13 billion a year in health care costs.

• (1405)

Promising research is taking place right here and around the world, and it can lead to a cure for these kids. I want to congratulate the Juvenile Diabetes Research Foundation and all those who work to raise awareness. All of us can expand awareness and, together, we can find a cure.

Honourable senators, this is also the sixth anniversary of the United Nations Security Council Resolution 1325. The resolution on women, peace and security calls for the involvement of women in all peace and security processes.

Despite this resolution and other calls for action, women's needs, priorities and voices are all too often neglected by international assistance initiatives. The ongoing violence in the Sudan, the Democratic Republic of the Congo and Afghanistan are only a few examples that demonstrate that the rights of girls and women continue to be violated in times of conflict and state fragility. On Halloween and All Saints Day, we should remember all these violations of rights.

NAVY APPRECIATION DAY

Hon. Terry M. Mercer: Honourable senators, yesterday we celebrated Navy Appreciation Day here on Parliament Hill, a day set aside by the Navy League of Canada to show our respect to those who serve our country at sea. I was pleased, along with Senator Segal, to co-sponsor this event, along with several colleagues from all parties in the other place.

Born and raised in Halifax, I have always had a special place in my heart for the navy, especially since both my father and my son have worn the naval uniform. It was an honour to meet many of our sailors yesterday and to say thank you for all they do for us.

Honourable senators, the navy, in terms of numbers, is the smallest element of the Canadian Forces. In terms of ships and submarines, when you compare our navy with the navies of other countries, ours is relatively small. This fact is often disconcerting when you realize that Canada has the longest coastline in the world and that we border on three oceans.

In fact, our navy is comprised of only three destroyers, 12 frigates, 12 coastal defence vessels, two supply ships, four submarines and some auxiliary vessels. However, when it comes to performance, honourable senators, our navy is anything but small. It is a giant amongst the much larger nations in both performance and capability.

Our sailors are professional and well trained. Even as I speak, Commodore Denis Rouleau and his ship HMCS *Iroquois* are in command of a NATO task force in the Mediterranean Sea. In recent years, our navy has led multiple coalition operations, and remains the only navy that can integrate seamlessly into an American carrier battle group.

Whether deployed around the world, or protecting Canadians in home waters, our navy provides an invaluable service to our country. I ask you all, honourable senators, to join me in thanking all of our naval and coast guard sailors for keeping us safe, free and prosperous.

We also remember their past sacrifices and those who have given their lives in the service of their country. In my toast last night, I toasted to absent friends, and I am sure you will join me in doing so today.

Hon. Hugh Segal: Honourable senators, I want to associate myself with my colleague, Senator Mercer, in paying tribute to the Canadian navy for a series of reasons, most significantly because of the role that the Canadian navy plays in defence of our national security.

At a time when drug interdiction, environmental protection, fishery protection, humanitarian deployment and the projection of power have never been more important in terms of our diplomatic development and defence activities, the navy is an absolutely vital resource fundamental to our flexibility and options as a major world participant.

The men and women of the Canadian navy require and have a mix of skills, background and training that make them the absolute envy of the world. As Senator Mercer said, despite the relatively small size of the fleet, the expertise and hard work of the men and women in our navy makes up for that lack in a way that provides a measure of leverage for which we all should be respectful and grateful.

• (1410)

The men and women of the Canadian Navy reflect a base of skills, professionalism, courage and technical adeptness that is the envy of the world. In peace and war they have sacrificed so that we may live in peace and freedom. They are a vital cog in our national security, diplomatic, defence and humanitarian arsenal. Navy Day is an occasion for all Canadians to affirm that we not only appreciate the sacrifices and service of our men and women in the navy, past and present, but also, and most important, that we do not take the service, professionalism, courage and sacrifice in any way for granted.

NATIONAL DEFENCE CEREMONY BESTOWING MILITARY DECORATIONS AND HONOURS

Hon. Gerry St. Germain: Honourable senators, last Friday, 40 Canadian heroes were decorated with prestigious Canadian military decorations and honours. Most of these courageous men and women were members of the First Battalion Princess Patricia's Canadian Light Infantry or were from the support and reserve units attached to the Battalion. They served in Afghanistan last year from January and February through to the end of August. Two of the awards were made posthumously: Captain Nichola Goddard, from the First Royal Canadian Horse Artillery in Shilo, Manitoba, received the Meritorious Service Medal. Captain Goddard was killed in action on May 17. Private Kevin Dallaire, mentioned in dispatches, was killed in action on August 3. For the first time since they were created in 1993, when Canada created its own honours distinct from the British awards, four soldiers were honoured with Military Valour Decorations. These are awarded to recognize acts of valour, self-sacrifice or devotion to duty in the presence of the enemy.

Sergeant Patrick Tower of Victoria, British Columbia, received a Star of Military Valour, second only to the Victoria Cross in prestige. He also received the Medal of Military Valour. Sergeant Tower was recognized for valiant action taken on August 2 in Afghanistan. Sergeant Power's citation reads:

Following an enemy strike against an outlying friendly position that resulted in numerous casualties, Sergeant Tower assembled the platoon medic and a third soldier and led them across 150 metres of open terrain, under heavy enemy fire, to render assistance. On learning that the acting platoon commander had perished, Sergeant Tower assumed command and led the successful extraction of the force under continuous small arms and rocket-propelled grenade fire.

Sergeant Michael Thomas Victor Denine of Edmonton, Alberta, received the Medal of Military Valour for his actions on May 17 in Afghanistan. Sergeant Denine's citation reads:

Under intense enemy fire, he recognized the immediate need to suppress the enemy fire and exited the air sentry hatch to

man the pintle-mounted machine gun. Completely exposed to enemy fire, he laid down a high volume of suppressive fire, forcing the enemy to withdraw.

Master Corporal Colin Ryan Fitzgerald of Morrisburg, Ontario, received the Medal of Military Valour for action taken on May 24 in Afghanistan. Master Corporal Fitzgerald's citation reads:

Master Corporal Fitzgerald repeatedly exposed himself to enemy fire by entering and re-entering a burning platoon vehicle and successfully driving it off the roadway, permitting the remaining vehicles trapped in the enemy zone to break free.

Private Jason Lamont of Greenwood, Nova Scotia, received the Medal of Military Valour for action taken on July 13. Private Lamont's citation reads:

During the firefight, another soldier was shot while attempting to withdraw back the firing line and was unable to continue. Without regard for his personal safety, Private Lamont, under the concentrated enemy fire and with no organized suppression by friendly forces, sprinted through the open terrain to administer first aid.

General Rick Hillier, Chief of the Defence Staff, stated on October 27:

You need only to read the citations for these soldiers to understand the meaning of true heroism: running across open terrain under heavy enemy fire to give aid to wounded and stranded comrades; clearing burning vehicles from a roadway under fire to allow others to get to safety; taking exceptional and resourceful measures under the worst possible pressure to suppress enemy fire and save the lives of fellow soldiers.

These actions reinforce my personal belief that the men and women of the Canadian Forces are among the best, the brightest and the bravest this country has to offer.

Honourable senators, these are the real heroes, the freedom fighters, our friends. Thank you and God bless.

• (1415)

GLOBAL CENTRE FOR PLURALISM

Hon. Mobina S. B. Jaffer: Honourable senators, last week, His Highness the Aga Khan, the spiritual leader of the Shi'a Imami Ismaili Muslims, and Prime Minister Stephen Harper signed a funding agreement for the Global Centre for Pluralism.

His Highness the Aga Khan set out the reason why the partnership between Canada and the Aga Khan Development Network is so important. He stated:

The successful collaboration is deeply rooted in a remarkable convergence of values — our strong mutual dedication to the concept and practice of pluralism... for pluralism, in essence, is a deliberate set of choices that a society must make if it is to avoid costly conflict and harness the power of diversity in solving problems.

He continued by stating:

It will not surprise you that I am fascinated by Canada's experience as a successful pluralistic society. My active engagement with Canada began in the 1970s when many Ismailies found a welcoming refuge here in Canada from East African ethnic strife. Since that time, the Ismaili community has planted deep roots here, become self-sufficient and can now make its own contributions to Canada's pluralistic model. That model, in turn, is one which can help to teach and inspire the entire world.

Indeed, our agreement itself exemplifies pluralism at work. It brings together people, ideas and resources from different continents and cultures, from religions and secular traditions, and from the public and the private sectors. And it continues in that spirit today ...

Our hope and expectation is that the Global Centre for Pluralism will become a vital source in our world for research, learning and dialogue, engaging Canadians from all walks of life and joining hands with a widening array of partners.

The Aga Khan further stated:

I am grateful that the Government of Canada has contributed so generously to its material and intellectual resources. Making available the Old War Museum is a particularly generous and symbolic gesture. Our own commitment is to invest in this building so it becomes a worthy testimony to Canada's global leadership in the cause of peace.

He then went on to speak about the clash of civilizations:

Those who talk about an inevitable "clash of civilizations" can point today to an accumulating array of symptoms that sometimes seems to reflect their diagnosis. I believe, however, that this diagnosis is wrong — that its symptoms are more dramatic than they are representative — and that these symptoms are rooted in human ignorance rather than human character.

The problem of ignorance is a problem that can be addressed. Perhaps it can even be ameliorated — but only if we go to work on our educational tasks with sustained energy, creativity and intelligence.

Honourable senators, today I am able to be a member of this auspicious chamber with all of you because we in Canada believe in pluralism. With the help of the new Global Centre for Pluralism, we will be able to export our Canadian vision of pluralism to the rest of the world.

[Translation]

FIRST NATIONS SOCIO-ECONOMIC FORUM

Hon. Aurélien Gill: Honourable senators, I had the privilege of attending the First Nations Socio-Economic Forum held last week in my community of Mashteuiatsh, Quebec. The forum was

attended by the chiefs of 11 Aboriginal and Inuit of Quebec communities, civil society stakeholders and representatives of the federal and provincial governments.

The hope of the Assembly of First Nations of Quebec and Labrador in organizing the forum was that it would lead to the creation of 10,000 jobs, the building of 10,000 housing units and bringing 10,000 dropouts back to school.

After three days of work, several projects were tabled, in accordance with the initial goal. At the end of the meeting, a number of chiefs stated that they had made progress towards improving life in their communities. The Regional Chief of the Assembly of First Nations, Ghislain Picard, confirmed in his closing speech that the meeting was the first step towards improving the condition of 70,000 Quebec Aboriginals.

This meeting was without precedent in the history of the First Nations in Quebec. It was quite refreshing to see that the participants' comments were geared to the future. The Aboriginal chiefs reaffirmed their determination to help their people out of their underdevelopment and their social slump. They also reiterated the need for assistance for the growing number of young people within our communities who are losing hope.

The will of the chiefs to take charge was well received by the governments, that of Quebec in particular. Premier Charest described this forum as "a unique moment in our common history" and "a turning point in relations between Quebec and the First Nations". The constant presence of Premier Charest and 15 of his ministers for the duration of the forum is a good sign.

Something new is happening in Quebec that will surely allow Aboriginals to escape their dependency. Our hope is that this urgency to take action now for the future is shared by the federal government, whose attitude was harshly criticized at the end of the forum.

• (1420)

We hope that this sense of urgency to act now for the future will be shared by the federal government, whose attitude was harshly criticized at the end of the forum. Ottawa did not demonstrate as much enthusiasm as Quebec during the forum. Not only was the federal cabinet poorly represented in terms of numbers, but its contribution was well below expectations.

I have said it before and I will say it again. Honourable senators, Minister Prentice needs your support and that of his cabinet colleagues to meet First Nations' expectations.

This forum made it clear that the third world exists right here in Canada. Ten years ago, the Royal Commission on Aboriginal Peoples reached the same conclusion.

There is still a huge amount of work to do, but today there is a glimmer of hope. It would be a shame to let it die. A lot of opportunities have been missed. Let us hope that the Government of Canada will make a concrete commitment to making the most of this opportunity. The First Nations, like all Canadians, are tired of having the problems on their reserves recognized and condemned, but then ignored.

ROUTINE PROCEEDINGS

CITIZENSHIP AND IMMIGRATION

2006 ANNUAL REPORT TABLED

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have the honour to table, in both official languages, the Annual Report to Parliament on Immigration, 2006.

[English]

THE SENATE

BOOK ENTITLED *PAGES OF REFLECTION* TABLED

Hon. Sharon Carstairs: Honourable senators, pursuant to rule 28(4), I request leave to table a document entitled *Pages of Reflection*.

The Hon. the Speaker: Honourable senators, is leave granted?

Hon. Senators: Agreed.

CANADA-UNITED STATES
INTER-PARLIAMENTARY GROUPMIDWESTERN LEGISLATIVE CONFERENCE
OF COUNCIL OF STATE GOVERNMENTS ANNUAL
MEETING, AUGUST 20-23, 2006—REPORT TABLED

Hon. Jeremiah S. Grafstein: Honourable senators, pursuant to rule 23(6), I have the honour to table in the Senate, in both official languages, the report of the Canadian delegation of the Canada-United States Inter-Parliamentary Group respecting its participation at the Midwestern Legislative Conference of the Council of State Governments' sixty-first annual meeting, held in Chicago, Illinois, from August 20 to 23, 2006.

NATIONAL GOVERNORS' ASSOCIATION ANNUAL
MEETING, AUGUST 4-7, 2006—REPORT TABLED

Hon. Jeremiah S. Grafstein: Honourable senators, with your indulgence, pursuant to rule 23(6), I have the honour to table in the Senate, in both official languages, the report of Canadian delegation the Canada-United States Inter-Parliamentary Group respecting its participation at the 2006 National Governors' Association: Healthy America, annual meeting held in Charleston, South Carolina, from August 4 to 7, 2006.

ENERGY, THE ENVIRONMENT
AND NATURAL RESOURCESNOTICE OF MOTION TO AUTHORIZE COMMITTEE
TO MEET DURING SITTING OF THE SENATE

Hon. Tommy Banks: Honourable senators, I give notice that at the next sitting of the Senate I will move:

That one week from today, the Standing Senate Committee on Energy, the Environment and Natural

Resources should have the power to sit at 5 p.m. on Tuesday, November 7, 2006, even though the Senate may then be sitting, and that rule 95(4) be suspended in relation thereto.

• (1425)

THE SENATE

NOTICE OF MOTION TO STRIKE
SPECIAL COMMITTEE ON AGING

Hon. Sharon Carstairs: Honourable senators, with leave the Senate and notwithstanding rule 57(1)(d), I move:

That later this day a special committee of the Senate be appointed to examine and report upon the implications of an aging society in Canada;

That notwithstanding rule 85(1)(b), the Committee comprise seven members, namely, the Honourable Senators Carstairs, P.C., Chaput, Cordy, Johnson, Keon, Mercer and Murray, P.C., and that three members constitute a quorum;

That the committee exam the issues of aging in our society in relation to, but not limited to:

- promoting active living and well-being;
- housing and transportation needs; financial security and retirement;
- abuse and neglect;
- health promotion and prevention;
- and health care needs, including chronic diseases, medication use, mental health, palliative care, home care and caregiving;

That the Committee review public programs and services for seniors, the gaps that exist in the needs of seniors, and the implications for future service delivery as the population ages;

That the Committee review strategies on aging implemented in other countries;

That the Committee review Canada's role and obligations in light of the 2002 Madrid International Plan of Action on Ageing;

That the Committee consider the appropriate role of the federal government in helping Canadians age well;

That the Committee have power to send for persons, papers and records, to examine witnesses, to report from time to time and to print such papers and evidence from day to day as may be ordered by that Committee;

That the Committee have power to adjourn from place to place within Canada;

That the Committee be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings;

That pursuant to rule 95(3)(a), the Committee be authorized to meet during periods that the Senate stands adjourned for a period exceeding one week;

That the Order of Reference to the Standing Senate Committee on Social Affairs, Science and Technology concerning the aging of the population adopted by the Senate on June 28, 2006 be withdrawn;

That the Committee present its final report to the Senate no later than December 31, 2007; and

That the Committee retain all powers necessary to publicize the findings of its final report until March 31, 2008.

The Hon. the Speaker: Is leave granted, honourable senators?

Some Hon. Senators: Agreed.

Hon. Terry Stratton: Before we agree, I have a question. Is it not normal for special committees or subcommittees to have about six members? How many members are on this proposed special committee?

Senator Carstairs: Honourable senators, it is a committee of seven.

Senator Stratton: Can the honourable senator tell us how the number of four Liberals, two Tories and an independent was arrived at? Normally, a subcommittee or special committee has six members, and if there is an independent, the Liberals drop one of their members to allow the independent to sit, keeping the two Tories. Why was that not done in this case?

The Hon. the Speaker: At this point, the question is whether leave is granted. It may be more proper to pursue the honourable senator's question later today, if leave is granted.

Is it the will of the house that leave be granted?

Hon. Senators: Agreed.

QUESTION PERIOD

THE ENVIRONMENT

STATUS OF POLICY ON GLOBAL WARMING

Hon. Daniel Hays (Leader of the Opposition): Honourable senators, my question is to the Leader of the Government in the Senate. Earlier today, we heard on the news the reports from the pre-eminent British economist Nicholas Stern of the Royal Society that not fighting global warming could have catastrophic economic effects. He compared the potential economic effects to a world war or the Great Depression.

My question is on the status of Canadian environmental policy. We have seen the clean air bill introduced in the other place, but we know that in this minority Parliament the three opposition parties are not supporting it. Accordingly, that particular policy initiative is in question. We have seen a considerable time pass to develop that particular program. We are all anxious to know, minister, and hopefully you can help us, what the time frame is within which we will see a policy to deal with this important environmental issue?

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thank the senator for the question. Of course, we saw the report that came out of Great Britain.

• (1430)

Obviously, the government and the Minister of the Environment are having a close look at this report, but we do understand, as the honourable senator pointed out, that the report highlights a lack of progress over many years on the whole issue of climate change.

That is not news to our government. We have been saying for months that the previous government did nothing about air pollution and failed to deliver anything about climate change or, particularly, the Kyoto Protocol in 13 years of government. That is something with which we are seized. This report calls for strong, deliberate policy decisions from governments to motivate change, and that is exactly what the clean air act will do and will deliver.

As most Canadians know, the problems of smog, air pollution and greenhouse gases are serious issues. The proposed clean air act is a comprehensive plan to deal with reducing smog and greenhouse gases. This bill is a first because no other party in the country at the moment has a plan to address smog and greenhouse gas emissions.

Senator Hays: To the extent that the references of the minister are to the previous government, I understand that this is a new government, this new government has serious responsibilities and it is obviously having difficulty. What is the time frame within which we can expect to see a revised initiative? The proposed clean air act contains a provision for implementation by 2010 and would see greenhouse gas emissions reduced at a much later date, 2050. That is one of the reasons that the bill has not been accepted by a majority of parliamentarians in the other place.

I am not expecting a precise number from the Leader of the Government, but there is an indication that that must change. With respect to the previous government, there were good policies, for example, EnerGuide, the One-Tonne Challenge and wind power production. A whole series of programs have been cancelled. We do not have whatever limited benefit or great benefit that might have flowed from them. We are without a policy now and we are anxious to know when we will have one.

Senator LeBreton: I disagree with the last statement that we are without a policy. We are very committed to the proposed clean air act because, for the first time in this country, we are regulating every industry sector and have set achievable objectives, which will produce tangible results in improving the health of Canadians. We encourage industry, environmental NGOs, stakeholders and all parliamentarians to work collaboratively with us as we work on effecting these changes.

With regard to the programs that the honourable senator mentioned, as I pointed out at an earlier time, the Minister of the Environment and the Minister of Natural Resources have indicated that there will be a series of announcements in the next few months on other initiatives the government intends to take with regard to conserving energy and cleaning up the air we breathe. I would encourage all senators to await these. Despite the comments of the three opposition parties, we are not going back to the drafting board. We have the proposed clean air act, and we intend to promote and defend it, although it is interesting that not many questions are being asked by the opposition in the other place about the environment, which indicates to me that perhaps they do not want to shine too bright a light on the matter. I would simply say that in terms of the target mentioned, that is a misrepresentation of the intention of the minister. She was very clear on phased-in targets. At least one of the so-called leading candidates for the leadership of the Liberal Party had exactly the same date as a target for cuts to greenhouse gas emissions.

• (1435)

EXPO 2015

HOSTING BID BY TORONTO

Hon. Art Eggleton: My question is to the Leader of the Government in the Senate. There are three days to go for the Prime Minister to sign a letter to the Bureau of International Expositions to indicate that it is putting forward the Toronto bid for Expo 2015.

This bid is a winner for Toronto, for Ontario and for Canada. Over 200,000 jobs would be created; over \$8 billion in wages would be paid out; the anticipated 40 million visitors would boost our country's tourism industry; it would contribute some \$13.5 billion to the GDP for Canada and Ontario, as well as \$5.3 billion in taxes. Critics speak about the government money that would be expended. Look at all the money that will come back in taxes, over \$2 billion of which would come to the federal government.

Expo 2015 would be a great opportunity to create the kind of legacy that will benefit the entire country. Will the Prime Minister sign the letter to officially submit the application within the next three days?

Hon. Marjory LeBreton (Leader of the Government): As I mentioned to honourable senators in answer to a question last week, we received the final proposal on October 6. We know that in three days' time the government must respond. I will simply point out to my colleagues that the honourable senator is a vigorous ambassador promoting this cause, and we are well aware of the deadline of November 3.

Senator Eggleton: I am a little surprised, because I thought with three days to go, the answer might have been more definitive and hopefully more positive. Perhaps when the Leader of the Government speaks to her colleagues, she could mention the fact that we were able to get the different orders of government together for the Olympics in Vancouver, which will be a great event for this country. No one says it is just for Vancouver; everyone knows it is for Canada.

When I was mayor of Toronto, we put in a bid for Expo 2000. Unfortunately, we lost by one vote at that time. I remember full well that all orders of government came together. By coincidence, the political colour of the different orders of government was the same then as it is now. The Peterson government was in Ontario and the Mulroney government was in Ottawa. Michael Wilson, who was then the Finance Minister, came with me to Paris for the bid. I remember that the former mayor of Montreal, Jean Drapeau, also came over to support our bid.

Is the government prepared to put out extra energy to ensure that this bid happens, to show the leadership that it will act within the next three days, just as it has for Vancouver and in previous bids?

Senator LeBreton: I thank the honourable senator for his question. Toronto is a tremendous city. It happens to be the capital of the province in which I live. I am very proud of Toronto, although I do not like its hockey team.

In any event, I certainly did not intend for my answer to be a negative one. We are well aware that the deadline is November 3. The honourable senator should not take from my answer that this has anything to do against the City of Toronto. This is, as he mentioned, a Canadian bid.

I will remember the last effort, and I was very unhappy about the ultimate result. I had friends involved in the bid, and it was disappointing to lose it by one vote. I will be happy to report to Senator Eggleton the moment I know when the decision is made.

Senator Mercer: Stay close to the phone.

• (1440)

HUMAN RESOURCES AND SOCIAL DEVELOPMENT

WORKPLACE EQUITY OFFICE— CLOSURE OF SERVICES IN ATLANTIC REGION

Hon. Bill Rompkey: My question is for the Leader of the Government in Senate. The federal cuts in the Atlantic region continue to pile up. We have seen cuts in literacy, new radar stations have been cancelled, the government has not returned the weather office to Gander as it promised it would do during the election campaign, and now, in a decision that will have a negative impact on some of the country's most vulnerable people and regions, the federal government is closing the Workplace Equity Office in Newfoundland and Labrador, and the offices in Nova Scotia and New Brunswick, and moving the service to Montreal.

I want to quote to the minister the words of the Honourable Joan Burke, Minister Responsible for the Status of Women and Minister of Education for Newfoundland and Labrador:

This latest salvo from the federal government tells me very clearly that this government appears to have little appreciation for the struggles of women, people with disabilities, visible minorities and Aboriginal people to gain an equal foothold in society.

Minister Burke does not think that is funny at all. She thinks it is pretty serious.

Senator Tkachuk: I think it is funny.

Senator Rompkey: The honourable senator thinks it is funny. She does not think it is funny; she disagrees with my friend on the other side.

By the end of March, the federal government will close its regional sites and try to deliver this service from Montreal through a single workplace equity office...it will be impossible...

I know this is not the minister's idea and I know this is not in her heart and in her mind, but it has been done. I ask the Leader of the Government, will she be a champion in cabinet for these people and will she ask her colleagues to reverse this decision?

Some Hon. Senators: Hear, hear!

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, Senator Rompkey talked about the weather station. The government is committed to reinstating the weather station.

Senator Rompkey: The government has not reinstated it, though.

Senator LeBreton: I do not know what the procedures are in terms of undoing something that had been done by the previous government.

However, in terms of the expenditure review process that we went through to find savings in the government, I am not aware of the specific reference that the honourable senator made mention of, but the fact is that the government is expending many millions, indeed billions in some areas for the betterment of women, Aboriginals, and we have had many questions on the whole issue of literacy.

The fact is, as I have mentioned many times, \$81 million, in addition to all of the money that is earmarked in other departments, with the ministers working in collaboration with their provincial and territorial ministers, will deliver services where they are needed for people actually on the ground who need these services.

People have assumed that somehow or other this money is not available to them, but they may simply apply for future funding. We have rearranged programs, especially with regard to literacy, to create savings and to put those savings in areas where they actually deliver a service to people who require these services.

Senator Rompkey: This question has nothing to do with money; it has to do with the enforcement of an act, and the workplace equity officers work with employers on their obligations under the federally legislated Employment Equity Act and the Federal Contractors Program. How can agents in Montreal work with Aboriginals in Newfoundland and Labrador, or Nova Scotia or New Brunswick? That does not make any sense at all. This is not a question of money, it is a question of effectiveness, and if the federal government is to work with its counterparts obviously the Government of Newfoundland and Labrador does not think it is working very well.

Therefore I ask the minister again: Will she be a champion for these people, Aboriginal people, people with disabilities and women? She is a shining example of equity and the ability of women to shine in this country. Will she be a champion for these people in cabinet?

Some Hon. Senators: Hear, hear!

• (1445)

Senator LeBreton: First, the honourable senator quoted a minister of the Newfoundland government. I would to have to read exactly what she said.

It is really a stretch for anyone, regardless of political stripe, to say that about this government, especially when one looks at the work being done by Minister Prentice in the area of Aboriginal affairs in terms of equity. Nevertheless, I shall take that one small portion of the honourable senator's question on the equity deliverable in Newfoundland and Labrador and attempt to ascertain an answer for him.

The government is seriously committed to programs in support of our Aboriginal communities and in support of people with disabilities. In fact, it was our government that decided to compensate hepatitis C victims after no action had been taken for quite a long time.

It is most unfair for anyone to characterize this government as not caring about women, Aboriginals or the disabled. It is just wrong.

INCREASE OF MINIMUM WAGE IN FEDERAL JURISDICTIONS

Hon. Jeremiah S. Grafstein: Honourable senators, my question is for the Leader of Government in the Senate.

Professor Harry Arthurs, distinguished former Dean of Osgoode Hall, a former president of York University and a friend and classmate of mine from our University of Toronto law school days just completed and tabled a two-year inquiry for the federal government recommending an update of the 10-year minimum labour standards and other issues affecting workers within federal jurisdiction.

Last week, honourable senators may recall that I raised under Senators' Statements a concern when it was reported that the Province of Ontario — my region — had refused to increase the minimum wage for adult workers to \$10 based on some economic studies that indicated that the economic trade-offs in job loss would offset the benefits to those poor, hard-working Canadians.

Would the federal government, in an act of leadership, re-establish a federal minimum wage — specifically, a federal minimum wage of \$10 per hour — for adult workers in federal jurisdictions, to help those hard-working Canadian families to work their way across the poverty line? Will the government act as a leader, in the hope that the provincial governments might follow?

Hon. Marjory LeBreton (Leader of the Government): I thank the honourable senator for his question. I am aware of the report by the honourable senator's former colleague. I shall take the question as notice and get back to Senator Grafstein with an answer.

Senator Grafstein: Does the Government of Canada realize that the number of working families at the poverty line is ballooning, including, especially, working single mothers, separated mothers, widowed mothers, like my own, the fastest growing group of workers working at the poverty line or below it? Could the government leader table in the Senate any economic studies that would allow us to determine whether an increase in the minimum wage across Canada would, in any way, enhance the economy or work against the economy? At least, it would help these hard-working Canadians pull across the poverty line. Would the government leader table those studies, if she has them?

Senator LeBreton: Honourable senators, I am not aware of any specific study related to that particular subject matter. I am certainly well aware of the difficulties many single women, and some single men, face. I do know a single father who faces a similar situation.

I shall certainly attempt to find out if any studies of that nature have been done and, if so, I shall be happy to table it in the Senate.

INCREASE OF GUARANTEED ANNUAL INCOME SUPPLEMENT

Hon. Hugh Segal: Honourable senators, when the Leader of the Government in the Senate is making those inquiries, will she also determine whether any work has been done on a guaranteed annual income supplement for working Canadians who, even though they are working very hard, are falling beneath the low income cut-off and for whom often a small amount on a universal basis could bring them over the poverty line, to recognize the fact that they are working hard and doing the very best they can? I know that colleagues from both sides would be very interested in any progress that might be made on that issue within the government.

• (1450)

Hon. Marjory LeBreton (Leader of the Government): I am not aware of any such study, but the honourable senator reminded me of a time, back in the days of Mr. Stanfield, when we did talk about a guaranteed annual income supplement and the notion was rejected by the opposition Liberals at the time.

In any event, I shall ascertain whether, in fact, any such studies have taken place and get back to the honourable senator.

FUNDING FOR LITERACY PROGRAMS

Hon. Joyce Fairbairn: Honourable senators, I should like to ask a question of the Leader of the Government in the Senate. On Friday, I shall have the pleasure of taking part in the annual meeting of Literacy Alberta, which is a combination of keeping up with progress in new techniques and programs and the celebration of the outstanding and often ground-breaking work of our activists, coordinators, researchers, tutors and learners throughout the province. It almost did not happen this year because, for the first time, Literacy Alberta did not get federal support for this event, but they decided to go ahead as best they could.

Half of Literacy Alberta's funding is cut severely, compromising the Literacy Help Line, the delivery of practitioner certification programs, professional development and resources in support of practitioners, tutors and learners.

Alberta does not stand alone in this uncertainty. In recent days, however, there have been some encouraging signals — indeed, from the Leader of the Government in the Senate herself, along with others — that some kind of compromise is in the works so that programs will not go down throughout the country.

I would simply ask the Leader of the Government in the Senate if there is a plan on the way. We have all been talking about the \$81 million, and it would be helpful to know if some of that money is going in the direction of those who actually take the teaching to the learners.

Hon. Marjory LeBreton (Leader of the Government): Honourable senators, I thank the honourable senator for her question. First, when Senator Fairbairn claims that the annual meeting of Alberta Literacy almost did not take place because the funding had been cut, I find that rather difficult to understand, since the government did not cut any existing literacy agreements. That in itself is a matter of some interest to me.

As I have said on many occasions, this government has earmarked a considerable sum of money, \$81 million, and we are simply embarking on our own program of putting in place a policy whereby the federal minister, along with provincial counterparts, will be working to train people in the labour market. These interested people working in the literacy field, may apply under the programs that this government has put in place, rather than assuming that the literacy needs of Canadians will not be met under this program. I feel very confident that the literacy needs of Canadians will be met.

As I have said in a previous answer to a question by the honourable senator, if, in six months time, she can prove me wrong, I shall be happy to address the question again. I am very confident in the ability of our minister and our government to deliver a program that has a considerable amount of money, in addition to the ministers of other departments who have millions, if not billions, at their disposal, to deal with literacy problems and the problems of unskilled workers.

• (1455)

Senator Fairbairn: I have a brief supplementary. The honourable minister knows that no one would be happier than me to know that programs that will help these people will continue regardless of which government is in power. My only concern, and that of the people on the ground who have been doing this for a long time and have the skills to do it, is that those people, in the new process to go ahead, will not be cut out of the system, seeing as it is very tough to teach people who have not been able to read.

The ones who are there are darned good at it. I would hope that whatever province or territory they are in, they will have the opportunity to continue delivering something that neither the minister nor I would be able to deliver.

Senator LeBreton: We should not be going around alarming people that somehow or other they will be cut out of the system. There is no evidence to show that is the case. Saying to people that somehow or other they will not be able to work in this field is actually quite irresponsible.

The honourable senator is obviously a very prominent person in this field. Instead of saying these programs will not be available, she should encourage people to access, through their provincial governments and also the federal government, the considerable amount of money we have set aside for adult learning, literacy and essential skills.

Senator Fairbairn: Honourable senators, I am not going around alarming people; they are alarming me because they are the ones who are telling me that the conduits that they used in the past are no longer there.

We want to know that they will have the same opportunities to do a job that they can do well, as they have been. If these programs are continuing, that is great; but there is no question in my mind of alarming anyone who believes, as does the minister, in this particular part of our social programs in this country.

There is misunderstanding, but I am certainly not the one that is putting it forward. We need more information about how these programs will proceed. This may not be the time to do that yet, maybe there will be consultations; but there must be a good message sent out that these people are not left out because the system has changed. That is the basis of every question I ask in this Senate.

Senator LeBreton: Honourable senators, we have been trying to send the message that for people who need to access adult learning, literacy and skills training, there is a government program and there are people working in these areas.

That is exactly the message that I am trying to communicate, and I would hope everyone tries to communicate. There are, as I mentioned many times, significant sums of money for these programs.

If I refer back to the election campaign, we actually made the issue of tradespeople, skilled workers and tax credits for people who have to purchase tools a major plank in our platform. Far be it from me to be anything but positive about these programs. I feel very strongly that we have in place, through the minister and through the provincial and territorial governments and people who work in the field, a program that will deliver services directly to the people who need them.

• (1500)

POINT OF ORDER

SPEAKER'S RULING

The Hon. the Speaker: Honourable senators, be advised that the heading of the following ruling has a typographical error. It reads, "Question of Privilege" but it should read, "Point of Order." I will not waste paper reprinting the ruling.

On October 19, 2006, Senator Murray rose on a point of order to challenge the propriety of a question put to Senator Fortier during Question Period. Senator Murray believed that the question should not have been permitted. In his opinion, it was a question relating to Senator Fortier's political responsibility for Montreal and was outside his ministerial functions.

Let me begin by reviewing the event that prompted this point of order. During Question Period, Senator Fraser began her question by addressing it to the "minister for Montreal." The question dealt with a "new targeted initiative for older workers announced... by the Minister of Human Resources and Social Development Canada" and its relationship to metropolitan areas like Montreal. After Senator Fortier answered the first question, Senator Fraser then asked a supplementary question, to which the minister again provided a response.

In making his point, Senator Murray began by quoting rule 24.(1) of the *Rules of the Senate*, which states:

24.(1) When the Speaker calls the Question Period, a Senator may, without notice, address an oral question to:

- (a) the Leader of the Government in the Senate, if it is a question relating to public affairs,
- (b) a Senator who is a Minister of the Crown, if it is a question relating to his ministerial responsibilities...

[Translation]

Senator Murray argued that since Senator Fortier is the Minister of Public Works and Government Services, the question and supplemental question relating to Human Resources and Social Development Canada should not have been addressed to him. Senator Murray explained that while Senator Fortier has political responsibilities on top of his duties as a head of a department, questions directed to him during Question Period must directly relate to his departmental duties and not to other responsibilities, including geographical representation.

A number of Senators also contributed to the discussion. Senator Fraser stated that when Senator Fortier was summoned to this chamber and appointed as a minister, he was "identified as being the minister to represent Montreal." Since the senator is publicly known to have this additional duty, it was Senator Fraser's contention that questions relating to Montreal fall within Senator Fortier's ministerial responsibilities.

Senator Comeau noted that while some ministers have "special duties" assigned to them by the Prime Minister, these responsibilities do not relate to their departmental responsibilities. He argued that questions to ministers during Question Period must deal directly with their departments and not with any other duties.

[English]

Finally, Senator Moore suggested that I consult the appropriate records to determine Senator Fortier's responsibilities as a minister in order to guide me as I prepare a ruling.

I wish to thank honourable senators who participated in the exchanges on this issue. I have looked into the matter and I am now prepared to rule on the point of order.

The history of rule 24 goes back to December 10, 1968, when a formal Question Period under Senate Rules was first organized as a feature of Senate sittings. Rule 20 was established, permitting

senators to ask questions to the Leader of the Government. On June 14, 1977, an amendment was passed resulting in the wording we now find in rule 24.

In developing our guidelines for Question Period, we have often followed some of the general practices of the House of Commons. That House has dealt with this type of issue before and has established principles to assist their Speaker in managing oral questions. In a decision relating to Question Period on October 16, 1968, Speaker Lamoureux ruled that:

...a minister may be asked questions relating to a department for which he has ministerial responsibility or acting ministerial responsibility, but a minister cannot be asked, nor can he answer questions in another capacity, such as being responsible for a province, or part of a province, or, again, as spokesman for a racial or religious group

[Translation]

This principle then found its way into the practices of that chamber as reflected in *Beauchesne's Parliamentary Rules and Forms*, 6th edition. At paragraph 412, Beauchesne cites Speaker Lamoureux's ruling and repeats the wording of his decision.

Beauchesne's advice is also found in Marleau and Montpetit's *House of Commons Procedure and Practice*. At page 426 and 427, it states that "a question should not address... any presumed functions, such as party or regional political responsibilities."

Therefore, it is clear to me that questions which are outside a minister's departmental responsibilities are out of order.

[English]

The question then becomes: "What are the ministerial responsibilities of Senator Fortier?"

In Senator Fortier's Commission of Appointment as a minister of the Crown, he is identified as the Minister of Public Works and Government Services. The Commission does not mention any regional responsibility for the region of Montreal. I therefore conclude that duties assigned by the Prime Minister to Senator Fortier outside his department are political in nature and are outside his direct administrative responsibilities for Public Works and Government Services Canada.

During Question Period, the only questions put to Senator Fortier that will be in order are those that relate directly to his responsibilities as Minister of Public Works and Government Services Canada.

[Translation]

ORDERS OF THE DAY

BUSINESS OF THE SENATE

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, pursuant to rule 27(1), I give notice that when we proceed to Government Business, the Senate shall consider the business in the following order: item No. 1 under

Reports of Committees, followed by the other items as they appear on the Order Paper.

[English]

FEDERAL ACCOUNTABILITY BILL

REPORT OF COMMITTEE—DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Stratton, seconded by the Honourable Senator Comeau, for the adoption of the fourth report of the Standing Senate Committee on Legal and Constitutional Affairs (Bill C-2, providing for conflict of interest rules, restrictions on election financing and measures respecting administrative transparency, oversight and accountability, with amendments and observations), presented in the Senate on October 26, 2006.

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I have had a discussion with the Deputy Leader of the Opposition concerning the amendments. She can correct me if I am wrong on the following proposal.

During the course of the debate on Bill C-2, amendments might be proposed by certain senators. If His Honour were to seek the views of the chamber, he might find that senators would agree to the proposal that when a senator moves an amendment, the subsequent senator need not speak to that amendment but can speak to the main motion, which is the report. As such, the subsequent speaker can move a motion and the motion on the floor does not need to be dealt with. I am not sure whether my explanation is clear but the intent is to move and stack amendments at the report stage of the bill to be dealt with at the end.

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, that is indeed the tenor of our discussions. We also discussed the possibility of the timing of the debate at report stage. I do not know whether the Deputy Leader of the Government wishes to continue that discussion. However, I confirm that he and I have discussed stacking the amendments at report stage, meaning there would be no votes on anything concerning the report stage until it became time to vote on the amendments.

Senator Comeau: That is absolutely correct. We would deal with all amendments at the wrap-up of the report stage.

However, I want to note that the question of having this all wrapped up by Thursday evening has not been concluded. There are ongoing discussions so we will come back to this chamber later and advise honourable senators of the agreement reached.

• (1510)

The Hon. the Speaker: Honourable senators, the consent of the house, given that the method of proceeding with debate on the motion concerning the report effecting Bill C-2, will be such that honourable senators rising to participate in the debate, if they wish to move a motion — which is their right — the senator following the senator who has moved a motion will not be limited

to the question, which would be the motion or subamendment to the motion to amend. When the debate has concluded, votes will be held on all the amendments that have been brought forward. The motion is only on the report. Agreed?

Hon. Senators: Agreed.

The Hon. the Speaker: So ordered.

Hon. Serge Joyal: Honourable senators, it is a privilege to have the opportunity to address you this afternoon with respect to the report on Bill C-2 as prepared by the Standing Senate Committee on Legal and Constitutional Affairs, the fourth report of the committee.

This issue is serious, not only as a result of the wide variety of statutes that are effected in the bill — more than 40 — but because the bill raises important constitutional and institutional concerns.

In that respect, first I will address the comments made yesterday by Honourable Senator Nolin in his opening remarks, whereby he drew our attention to the role of the Senate while dealing with legislation coming from the other place.

Senator Nolin referred to the book we published about the Canadian Senate entitled *Protecting Canadian Democracy*, whereby many senators contributed to the book, not the least of whom was Senator Lowell Murray.

A chapter in the book entitled “The Legislative Independence of the Senate” begins at page 279. It is a chapter I authored. If you allow me the authority, I will quote the opening remarks. It stems from a statement made by the Right Honourable John A. Macdonald in the parliamentary debate on the subject of Confederation.

As Senator Nolin has mentioned, we are at the point whereby the principle of our institutions were being debated and spelled out among the founding fathers — if I can use a sexist term — the founders of our country.

Sir John A. Macdonald stated the following at page 279 of the book:

There would be no use of an Upper House, if it did not exercise, when it thought proper, the right of opposing or amending or postponing the legislation of the Lower House. It would be of no value whatever were it a mere chamber for registering the decrees of the Lower House. It must be an independent House, having a free action of its own, for it is only valuable as being a regulating body, calmly considering the legislation initiated by the popular branch, and preventing any hasty or ill-considered legislation which may come from that body but will never set itself in opposition against the deliberate and understood wishes of the people.

This statement or conceptual idea that Sir John A. Macdonald held of the Senate has survived the centuries up to the present. Reflected in the statement are the wisdom and wealth of information and concept we must apply when dealing with difficult legislation as we all recognize Bill C-2 to be.

That statement of Sir John A. Macdonald was echoed in a committee of the Senate whereby our friend, Senator Austin, was in the chair when former Justice Willard Estey of the Supreme Court of Canada testified in the Nisga'a bill. The quote appears at page 300 of the above-mentioned chapter.

You may remember, honourable senators, former Justice Willard Estey of the Supreme Court stated the following in a Senate committee studying the important Nisga'a bill:

You have a duty.

I thought hard about this before coming here.

The Senate has a senior duty to perform. It has to perfect the process of legislation. That duty must clearly entail, on occasion, an amendment or a refusal or an automatic approval. All three are within your power. Not only are they within your power, they are within your duty. You have to scrutinize this thing and see what is good and bad and purify it. That is why you are here. The second house invariably, around the world, is set up as a break on the first level of legislation, while the executive branch tags along all the way up the ladder.

A question raised by Senator Nolin, as an additional dimension, was the following? When should the Senate oppose its will to the popular elected House? That question is a key constitutional question. When can we say no?

Honourable senators, in trying to answer that question some years ago, I went through the archives and discovered that in the old history of Canada there were 44 occasions whereby the Senate formally opposed the other place. I went through the studies of those various occasions to try to identify, as Senator Cools would say, trends. While looking into the 44 cases, you may wonder the types of conclusions one can draw from those various cases. It came to me there were at least five occasions when the Senate, in fact, decided to oppose.

The first occasion was when the issue was of great detriment to one or more regions. We understand that, of course, because we are a regional chamber.

The second occasion was when there was a breach of constitutionally protected human rights and freedoms. The Honourable Senator Nolin alluded to one such example in the case of the Pearson Airport bill.

The third occasion compromised collective, linguistic or minority rights. I do not need to give any example in relation to that. We have an ongoing debate with respect to the issue of linguistic rights. I think we are properly constituted to raise minority rights.

The fourth occasion was of such importance to the future of Canada as to require the government to seek a mandate from the electorate. Those senators who were present during the free trade debate will remember that issue as one instance where the Senate recommended seeking a mandate. The bill is passed as is only once a mandate is obtained. I think that particular bill passed within the following 30 days after the election. All those present at that time will remember the context.

The fifth occasion was so repugnant as to constitute a quasi-abuse of the legislative power of Parliament.

Those five instances I have been able to draw upon from the 44 bills or decisions involving a government initiating a decision that was sent to our house.

Honourable senators, I approached Bill C-2 with that question in mind. I asked myself, in relation to those constitutional principles, what aspect of the bill raises constitutional principles that are intimately rooted in the functioning of Parliament? What principles of the bill question the rights of Parliament? What aspects of the bill question minority rights? Honourable senators will understand that those come from the conclusions that we may draw from the precedents of this house.

• (1520)

Honourable senators, there are two elements of the bill that I wish to draw to your attention. The first one is the first part of the bill, the one dealing with ethics and conflict of interest. That part of the bill was a surprise to us all. We learned in the bill that the proposal was to create one ethics commissioner not only for both Houses, but also for the public officers appointed under the auspices of the Governor-in-Council. That is, there would be one single commissioner. That was a surprise to me and probably to a large majority of us. On three prior occasions in this place — that is, with Bill C-34, Bill C-4 and then with the implementation of the ethics code — we have addressed the issue of the separation of both chambers in the context of our parliamentary duty.

One of the parliamentary duties of this place is to keep the other place in check. We review what the other place is doing and balance the powers of the government that are concentrated with the majority in the other place. Our task is to calmly and dispassionately review government bills. There is no doubt that we must remain independent when we exercise the disciplinary functions of this place. Numerous decisions of the Supreme Court of Canada have confirmed that the disciplinary function of each House is autonomous to each House for a specific reason: If the other place would have to look into the conduct of senators, we would have to look into the conduct of MPs. Honourable senators will immediately understand the kind of chaos in which, sooner than later, we would find ourselves. Look at what happened last year with the ethics commissioner. I do not need to mention any cases. The ethics of the other place are much more politicized than ethics in this place. There is no mystery about the reasons: This place does not act with as many with partisan objectives in mind in comparison to the other place. This is rooted not only at section 18 of our Constitution that provides that each House has the same privileges — I do not need to read it — but also in the other Westminster models. That is the case in the United Kingdom, in Australia and in the United States.

If one looks at the Constitution of the United States, one would read at Section 5 that each house has its own responsibility in the discipline of its members.

The House of Lords has their own code and their own registrar. The House of Commons in London has a commissioner of public standards, a position that has nothing to do with the ethics of the public officer appointed by the Queen in council or with the ethics of the Lords. That is totally separated.

The same situation exists in Australia. Their Senate is elected and there is no way that the Senate of Australia is charged with the jurisdiction or the review of the ethics and discipline of members elected to their House of Commons. That, honourable senators, is a principle of constitutional autonomy needed for the two chambers to properly exercise their constitutional mandate.

I have not invented this principle, none of us have invented it; we have had hours and hours of debate and study on this subject. Therefore, I was quite surprised to see in the bill that, finally, we were returning, like a bad movie, to restate the reasons that position should remain. Those are the constitutional motives, but there are other reasons.

When we had the opportunity to listen to a group of witnesses, we heard from two commissioners — one in excise and one former commissioner — Mr. Howard Wilson and Mr. Bernard Shapiro; and we heard from two provincial commissioners, Mr. Oliver, the commissioner for British Columbia; and Mr. Osborne, the commissioner for Ontario. The President of the Treasury Board suggested the name of Mr. Osborne. We heard from these witnesses at length, with an opportunity to question them on the basis of their experience only. Forget about the constitutional division of powers and division of legislative responsibility, we questioned them about how they exercise their responsibility.

We wanted to know that because, according to the figures that were given to us, the single commissioner provided in the bill would have to oversee, check or monitor 1,500 Governor-in-Council appointees; 2,400 part-time Governor-in-Council appointees; 308 MPs; and 105 senators, for a total of 4,413 individuals under a single head. When we had the opportunity to question those witnesses I mentioned, persons with repute and with experience on the basis of implementation of ethics, we asked them how they would do that. All of them said to us, "It is impossible; you will not achieve the objective that you want, which is efficiency and which is trust of public, if you put so many people under one head." In the words of Mr. Oliver, the British Columbia commissioner:

I do not know whether I would want to look after a couple of thousand people.

Later he continued:

I do not see how you can possibly do this job effectively if you have all the thousands of others to look after.

Later in his testimony, he said that "In the course of the year, there are roughly —

The Hon. the Speaker: Honourable senators, the table has advised me that the 15 minutes for Senator Joyal has expired.

Senator Comeau: Could I ask Senator Joyal how much time he needs to finish?

Senator Joyal: I will try to wind up in five minutes. I know the rules and I want to abide by them. I have other arguments. I can speak maybe at third reading. I will conclude on this point and, with the consent of the house, in five minutes.

Hon. Senators: Agreed.

Senator Comeau: Five minutes.

Senator Joyal: Honourable senators, I will speak fast.

When the question was put to those two commissioners, namely, how would they do it and how are they successful in the performance of their duties, Mr. Osbourne said to us:

...one of the first things I did... was meet with each member. It takes some doing to schedule 103 appointments...

That is the number of provincial MLAs.

...but at the end of session five years ago I felt better about my relationship with them and my relationship with the position I occupy as well as about the proper workings of the act.

Mr. Osbourne continued:

In the course of the year, there are, roughly speaking, 500 requests from members for advice and opinion. These are confidential unless the member himself or herself is willing to divulge the contents...

Later he said:

I am not suggesting that that could be transplanted here, but I have only to deal with 103 members. That is enough... We know each other. That my independence is respected by all concerned is, to say the least, an advantage.

In other words, we heard essentially that when you deal with a reasonable number of persons, you establish a personal and trust relationship. It is like looking to Senator Keon, who is a doctor. It is like comparing a doctor who has 4,500 patients to look after with one who has 200 patients. As a human being, one cannot devote as much time and establish a personal link with 4,500 people in the course of a year. Do not fool yourselves. You must review the declaration each year, as we all did this fall. There are new appointees and the cases that are raised under the course of the management of the ethics.

Honourable senators, to conclude, we were convinced from the hearings that the system we have now is the proper one to be maintained. Moreover, the proposal as enshrined in the bill will put the ethics code of the public office-holder in a statute. Honourable senators know what it is to put something in a statute. I see senators nodding. You invite the court to look into it. You invite what some of you call judicial activism.

• (1530)

Given the principle of autonomy between the judicial and executive branches of government, judges are always reluctant to involve themselves in matters that pertain to Parliament. The commissioner was right when he said that, by putting what is now the code for public office-holders into statute, it becomes weakened. It also becomes more rigid. That is clearly the case. In effect, the legislation could be less effective in some areas than the ethics law that it is replacing.

Honourable senators, my time has expired, but it is necessary to pause for reflection. I know the bill is complex, but those are fundamental principles. As I stated earlier, if we are to do our duty responsibly, we must pay close attention to that testimony, because it was based on experience by people with the highest reputation for integrity and independence. It is up to us to act on their recommendations.

Hon. A. Raynell Andreychuk: Honourable senators, I rise to speak to the report, and I shall do so shortly.

I should, however, like to take the opportunity to indicate, as this is a place of dialogue and debate, that Senator Joyal said from time to time "we thought." I am not sure who "we" referred to. I would remind all senators that the report was brought back to this chamber on division. There were some unanimous areas with regard to some issues of the report, but by no means was it unanimous throughout. I, for one, would depart from some of Senator Joyal's comments. Hence, I would want the record to show that, while Senator Joyal used the word "we," I hope he did not intend to mean the entire committee. Perhaps he meant "We, the Liberal members of the committee," or perhaps they were his own comments. I am sure he did not intend to include us fully that way.

All senators so far have spoken about the elaborate nature of this bill. I would remind senators that this is not the first, nor will it be the last, elaborate bill. I think back on the anti-terrorism bill. Not only was that bill complex and affecting many pieces of legislation, it touched Canadians in a way that I think nothing else has.

I agree with honourable senators that this proposed legislation is a milestone. Attacking the issue of accountability is very important to Canadians, and the government was responding to an expectation of Canadians by introducing this bill.

I believe the government of the day, whether it is a minority or a majority government, has the right to respond to citizens and to choose the methodology by which it attempts to solve the problem that it is trying to address.

Accountability was raised by Justice Gomery. The Adscam scandal brought this issue to the attention of the public. However, there had been a growing fear by many people that Parliament had lost its way and that accountability, transparency and openness is important. In fact, we Canadians often demand that of other governments. We talk about openness, transparency and accountability. Many factors came together for the government to introduce the accountability bill. It chose certain methods to approach accountability. Bill C-2 is just one of what I believe will be a series of initiatives to address the issue of accountability.

The committee started work on this bill in June, hearing from a number of witnesses before adjourning for the summer. The committee did not sit in July, as it did with the same-sex marriage bill, where the government indicated urgency. The committee resumed its hearing on the bill in September, hearing from a number of witnesses in the fall, before going to the amendment stage.

Many of the amendments could be deemed to be technical, housekeeping or improving the administration of the bill and clarifying its language. I am pleased to see that the government

responded and agreed that certain amendments and initiatives should be taken. I compliment the law clerk, who was working on behalf of the Liberal senators, and the officials of many departments. They worked together and came to a resolution of the best practices on some amendments. I am pleased to see that members on both sides joined in to pass those amendments.

I want to speak to the substance of what I call fundamental amendments that were made in the committee at third reading. At this point, however, I want to talk about the process within the Standing Senate Committee on Legal and Constitutional Affairs. I could disagree with the amendments and could wish that things had happened otherwise, but I felt they were within the normal practices of the Senate. However, when we concluded our amendments, we were told about a 59-page report that we had not seen, were not alerted to its fundamental differences, and told that, if we wished the bill to pass, we would have to take the observations — or words to that effect.

We on our side looked at the observations. Clearly, 59 pages cannot be read quickly, but scanning it led me to believe that it was a justification of the amendments that the Liberal side had put forward. Members on our side asked for some time to read those pages. We were obliged with one hour. Some of us read faster than others; I did scan the material twice. I concluded that I could not support the observations, nor were they in line with what the Senate has done previously.

Clearly, the observation report was a partisan report. It was not a reflective addition for the benefit of the Senate, for the public or the government, which is what we had done in previous bills. In fact, the Standing Senate Committee on Legal and Constitutional Affairs had, in the past, put in observations, but we were mindful to tell each other in a very cautious way, alerting members, "I think I would like this in observations." We would signal when observations would come forward. We would then conclude our report and indicate whether we would put observations forward. We would discuss our points of view and then ask the clerk and the chair to put those observations together. The chair and the clerk would do so. They would then generally go to the steering committee and then to the whole committee.

When the committee would sit down, sometimes there were still issues and language we would talk about. Sometimes, we would turn it back and leave it to the discretion of either the chair or the steering committee to complete before filing, if we were worried about expeditious issues.

In this case, we were given the observations. We had no alerts. We had no idea what was in the 59 pages until the 59 pages came before us.

Honourable senators, the government side has four members on that committee; the Liberal side has eight members. There are no independents on the committee, to my recollection, but there may have been at some other point.

• (1540)

I could not support the observations that we saw. When we were put in the position of what to do, honourable senators, what could we do? We were the minority in that committee. Perhaps we could have insisted on putting a report forward, but what kind of report could we produce — a report that would be partisan,

saying that the other side was partisan, and that we did not want to have any truck or trade with their observations? We would fall into the trap of changing what observations are for and historically, have been allowed, in this Senate. Therefore, we did not file a minority report.

Other things went to the issue of a minority in the committee, and one was naming senators on our side in the report without leave, indication or asking for consent. I do not believe that was correct.

I do not intend to continue to talk about this issue, but I want to put this Senate on notice that when we talk about independence, we have certain areas where we have restricted partisan activity, where we try to be collegial and somewhat independent of the parties we represent and the action on the other side. We cannot control what members on the other side do, whether they are ministers or prime minister, but we can control our own actions. I believe that the Standing Senate Committee on Legal and Constitutional Affairs displayed bad judgment in restricting the rights of minorities. We have said that we were the guarantors of minorities in so many cases. In own work, we had absolutely no respect for the rules of fair play from the opposition.

It is not the content of how the majority saw the bill. It is how they treated us as the minority in the committee at the observation stage.

Honourable senators, we filed the report and the signature is there. Observations are attached. They do not form part of the report. However, we have slowly allowed observations, even though our rules do not specifically state "observations," in a facilitating way to note something. I have been on the Standing Senate Committee on Legal and Constitutional Affairs for at least 10 years. When we could not achieve unanimity, we did not put them in the observations. We said rather that an independent senator or a group of senators could raise the issue in many ways, through the rules committee, through third reading or on the floor of the house. However, to impose observations in a partisan way and say, "Tough; take it or leave it," was not a high point of the Senate. As I said in the committee, it was one of the lowest days that I have ever had in the Senate of Canada.

I hope that we take a second sober thought, rethink our strategy, rethink our rules of fair play and ensure that this poor judgement never happens again.

Hon. James S. Cowan: Honourable senators, I am pleased to speak today on Bill C-2, the federal accountability act. I am proud to have been part of the Standing Senate Committee on Legal and Constitutional Affairs during the examination of this bill. I believe that the process we followed and the results we achieved demonstrate how the Senate can and should function to serve the interests of Canadians. The committee heard from a diverse array of witnesses, each of whom brought to bear unique perspectives on this legislation and its impact on Canadians.

We heard many suggestions to improve the bill, some of which we agreed with and some of which we did not. Taking into account these suggestions and the testimony of the witnesses we heard, we made amendments that we believe improve this bill and will strike a better balance between free and open access to information and protecting the privacy rights of Canadians. We

were also pleased to work with the government in supporting many of its important and substantive amendments to the act that improve this legislation.

As we heard yesterday, some 162 amendments were introduced, 156 passed and 42 of those were introduced by the government.

Honourable senators, we can all find common ground to the approach we have taken to accountability. All of us in public life recognize the need to restore faith and trust in the institutions, and this bill represents an honourable attempt to do just that. Surely we can all support this premise and approach.

The committee heard compelling and often moving testimony on the subject of whistle-blowers. Senator Campbell rightly proposed that we should refer to whistle-blowers as "information patriots," given that they are acting in the best interests of our country and its taxpayers. Joanna Gualtieri of the Federal Accountability Initiative for Reform, and Allan Cutler, both of whom have personal experience with disclosing information and the consequences of the decision to do so, provided testimony that was persuasive in our examination of this part of the bill. Their testimony highlighted the importance of ensuring that we create an environment where public servants and Canadians at large feel safe in disclosing information about wrongdoing and are protected from reprisals for doing so.

Furthermore, the testimony we heard from Edward Keyserlingk, Canada's Public Sector Integrity Officer, clarified the need to protect the identity of whistle-blowers while not allowing the government to exploit this reality to close the doors on access to information.

Bill C-2 and the amendments made to it by the committee make important changes to Bill C-11, the Public Servants Disclosure Protection Act. This legislation was introduced and passed in the previous Parliament although it was not proclaimed due to the dissolution of Parliament for the recent election. Without the proclamation of Bill C-11, there is currently no legislation in place to protect public servants who disclose information relating to wrongdoing. I believe that Bill C-11 should have been proclaimed at the first opportunity to do so by this government. Michèle Demers, president of the Professional Institute of the Public Service of Canada, echoed this sentiment, saying,

While there are many changes we support, we must point out that Bill C-11, the Public Servants Disclosure Protection Act, which received Royal Assent last year, remains unproclaimed and without effect. We have fought for these protections for more than 15 years and have watched many initiatives come and go with the fortunes of politics. Had Bill C-11 been proclaimed, at least our members would have been protected.

In ideal circumstances, it would have been beneficial to live in a world where Bill C-11 had been in force for a few years. This would have given us an opportunity, as legislators, to see how the bill operated in practice as opposed to theory. Seeing the bill in practice would have meant making amendments to correct real problems in the application of the legislation, as opposed to theoretical ones. We did not have that advantage, and, therefore, we proceeded to make amendments based upon the best

information available today, much of which arose from the testimony of witnesses at committee.

The amendments that we proposed in relation to whistle-blowing are substantive and important. First of all, our amendments increase the reimbursable dollar amount for access to legal services paid to whistle-blowers from \$1500 to \$25,000. The committee heard testimony from Ms. Gualtieri on this issue, saying, "This is surreal what has been proposed for legal counsel. It is an insult." We also heard testimony from Allan Cutler who identified this provision as one of the three crucial shortcomings of Bill C-2, when he said that proposed paragraph 25.1(1), subparagraphs 4, 5 and 6 of the Public Servants Disclosure Protection Act all limit the amount that can be paid for legal services provided to the whistle-blower. That is an unacceptable amount.

• (1550)

Mr. Cutler further recognized that there must be a balance between what legal support and advice is provided to management and what is provided to whistle-blowers. He said, and I quote:

A manager accused of wrongdoing will usually be allowed up to \$25,000 for their legal expenses. That appears in the rules and guidelines of departments right now. The whistle-blower gets a pittance in comparison. At the very least, the amount should be equal so the whistle-blower has the ability to get legal representation when needed.

We could not agree more, honourable senators. That is why we have amended Bill C-2 to provide a fair and level playing field for whistle-blowers.

It is not only members of the committee from this side who agree with this amendment. Duff Conacher of Democracy Watch praised this initiative, saying, that "with \$1,500, you could probably get only an opinion from the lawyer, whereas with \$25,000, you could have them take the full case and represent you."

We also removed the cap of \$10,000 on the amount that may be paid to a whistle-blower for pain and suffering, leaving that to the discretion of the independent tribunal. Mr. Cutler and Ms. Gualtieri also supported this approach. Clearly, it is difficult to attach a dollar amount to the pain and suffering experienced by a whistle-blower facing reprisals, and we believe it is best left to the tribunal, a concept supported by Dr. Keyserlingk.

We also heard testimony from the United Steelworkers, the Professional Institute of the Public Service of Canada, Mr. Cutler and Ms. Gualtieri that Bill C-2 should be amended to reverse the onus in cases involving a reprisal.

In its original form, Bill C-2 placed the onus on an employee to prove that an action taken against him or her is a reprisal related to a disclosure of information made by that employee. Unfortunately, the employer in these circumstances is able to simply say that the action is unrelated to the disclosure and therefore not a reprisal, effectively, in many cases, ending the whistle-blower's claim that a reprisal is taking place.

Mr. Cutler identified this as a major flaw in the legislation. The committee's amendment seeks to correct this flaw, reversing the onus and placing it on the employer, forcing them to show that a given action is not a reprisal. This is important to the creation of an environment where potential whistle-blowers feel comfortable that their rights will be protected and that unfair reprisals will be recognized as such.

Another amendment made in committee will extend the time during which a public servant may file a complaint that a reprisal is taking place or has taken place. Originally, Bill C-2 provided a period of 60 days following the occurrence of a reprisal in which a complaint could be made. Our amendment will extend this period to one year, while leaving in place the ability for the commissioner to extend this deadline if necessary. We heard compelling evidence from Mr. Cutler and others of the need for this amendment.

Additionally, given the nature of government business and the fact that government frequently contracts with private-sector organizations, it is important that investigators of wrongdoing have the ability to obtain information from the private sector. That is why we amended the bill to authorize investigators on behalf of the commissioner to obtain information pertinent to an investigation that is held outside the public sector. This is important in establishing accurate information in cases involving private-sector entities.

We have also enhanced the effectiveness of Bill C-2 by amending the proposed act to include members of CSIS and the Communications Security Establishment in the whistle-blower protection regime. Currently, these public-sector employees do not enjoy the same protection, and it is important that they are able to benefit from the same safeguards as other public-sector employees.

It was also our intention to include members of Canada's Armed Forces in this amendment, but doing so would require significant legislative changes that are beyond the scope of Bill C-2.

Another important amendment we have made is to expand the definition of what constitutes a reprisal. Expanding this definition was supported by Dr. Keyserlingk, the United Steelworkers, the Confédération des syndicats nationaux, Ms. Gualtieri and Mr. Cutler. With such strong support, it is clear why the definition of "reprisal" should be as open and inclusive as possible.

Another change comes in the definition of "protected disclosure." Bill C-2 provided that a protected disclosure exists when a public servant is lawfully required to make such a disclosure. Our amendment expands this definition so that a disclosure may be protected not only when it is required to be made but when it is permissible to be made, thereby protecting more disclosures at earlier stages. This issue was recommended to us by the Canadian Bar Association and further supported by Dr. Keyserlingk.

Finally, we have amended Bill C-2 to allow for more disclosure of information about wrongdoing, while always protecting the identity of whistle-blowers. In this regard, it is important to strike a balance between the public's right to access information and the protection of the privacy and identity of a whistle-blower. These

amendments were suggested by Dr. Keyserlingk and, as made, serve to protect whistle-blowers, while not allowing the government to prevent public disclosure of wrongdoing based on a personal information exemption. Again, this modification has found third-party support from Democracy Watch, which said that this amendment will allow the public to know that there has been wrongdoing in government, thus increasing transparency in government.

Honourable senators, legislation to protect public-sector disclosures must achieve a number of balances. It must achieve a balance between the public's right to access information while ensuring a safe environment for public servants to make disclosures. It must strike a balance between providing an effective and protective forum for disclosures while ensuring that the reputations of public-sector managers are not sullied by frivolous or vexatious complaints. It must also strike a balance between the government and those who would choose to challenge its management practices.

In my judgment, honourable senators, Bill C-2, as amended, performs this balancing act, and for that I thank both the government and opposition senators who have worked tirelessly to achieve such a balance.

Senator Andreychuk: Would Senator Cowan take a question?

Senator Cowan: Absolutely.

Senator Andreychuk: Senator Cowan referred to Bill C-11 and made the comment that the bill should have been put into practice and tested. He also quoted liberally from the testimony of Ms. Gualtieri and Mr. Cutler.

Would the honourable senator not agree what when that witness panel came forward, Mr. Cutler said that Bill C-11 would have been a retrograde step and worse than having nothing but that Bill C-2, while it could be improved on, was a step forward?

Senator Cowan: I thank the honourable senator for her question. We did hear testimony against the proclamation of Bill C-11. My point was simply that, during much of our discussions, the committee was speculating as to what effect the bill might or might not have on government. It seemed to me that if we had seen the bill in practice, we would have had a better basis for judging whether or not changes needed to be made. I did not attribute that to Mr. Cutler or to other witnesses. The honourable senator's characterization of Mr. Cutler is correct. Mr. Cutler did, as I am sure the honourable senator would agree, point out what he considered to be major flaws in Bill C-2.

I hope the honourable senator will agree with me at the conclusion of our discussions here in this chamber that together we have produced a significant piece of proposed legislation, one that will advance our shared objectives of openness and transparency. I did not sense any difference of opinion amongst committee members, or indeed amongst the witnesses that appeared before us, as to the overarching objectives we are trying to achieve. Bill C-2, I would agree with the honourable senator, is a significant improvement over Bill C-11. My point was that I would have preferred to have seen how proposed legislation was operating before it was amended without having even been proclaimed.

The Hon. the Speaker: Senator Cowan's time has expired.

On motion of Senator Milne, debate adjourned.

• (1600)

CONSTITUTION ACT, 1867

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator LeBreton, P.C., seconded by the Honourable Senator Comeau, for the second reading of Bill S-4, to amend the Constitution Act, 1867 (Senate tenure).

The Hon. the Speaker: Are honourable senators ready for the question?

Senator Comeau: Question!

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, it is customary on such occasions for the leaderships to have some discussion about the committees to which important bills of this nature will be referred. We have not done that. Therefore, I would propose that we continue the adjournment.

Hon. Anne C. Cools: I was hoping to take the adjournment, honourable senators. I did not realize the debate was coming to a conclusion. I would like to appeal to the chamber. I do wish to speak in this debate. Thank you.

On motion of Senator Fraser, debate adjourned.

TAX CONVENTIONS IMPLEMENTATION BILL, 2006

SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Angus, seconded by the Honourable Senator Tkachuk, for the second reading of Bill S-5, to implement conventions and protocols concluded between Canada and Finland, Mexico and Korea for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income.

Hon. Wilfred P. Moore: Honourable senators, I am pleased to rise today to participate at second reading on Bill S-5, to implement tax conventions and protocols concluded between Canada and the countries of Finland, Mexico and Korea.

I should like to take the opportunity to commend Senator Angus on his speech at second reading. I would also like to thank him for having given this chamber the benefit of his deep understanding of tax law and for having reminded us all of the effects that taxation policy can have on Canadian taxpayers, be they individuals or corporations.

Every year at tax time, I am reminded of how complex our system of taxation truly is. Anything that our government can do to simplify the system and to recognize that Canada and Canadians are active participants in the global economy is beneficial and should be supported.

These conventions and protocols go a long way toward providing Canadians with certainty about the rules surrounding the applicable taxation rates and clarity in the demarcation of taxation jurisdictions between the country in which the taxpayer resides and the country in which the income arises. This, in turn, helps prevent double taxation.

As Senator Angus has already mentioned, such conventions are also an important part of our government's tool chest in preventing income tax evasion. Canadians should know that we are doing what we can to ensure that everyone pays their fair share of taxes, no more and no less.

I should note that between 2001 and 2004, the Liberal government brought forward three such bills, allowing for implementation of such conventions and protocols with 20 countries, including Italy, Germany, the United Arab Emirates and the Czech Republic. In fact, Canada has been expanding its network of taxation treaties since the early 1970s, and I believe that it is important for us to continue to do so.

I note that the treaties that we would be implementing with the passage of Bill S-5 have already been negotiated and finalized with the countries concerned. I also note that the bills implementing such conventions are basically structured the same way and that the treaties themselves are all structured on the OECD models. I see nothing in this bill that appears controversial, although I trust that my colleagues on the Standing Senate Committee on Banking, Trade and Commerce will look into the details to ensure that I am correct in my assessment.

Honourable senators, I conclude my remarks by saying I support Senator Angus's call to send this bill to the Standing Senate Committee on Banking, Trade and Commerce for study. As a member of that committee, I will be following up on the matter that Senator Murray raised when questioning the sponsor of this legislation in the chamber on October 5. It would indeed be interesting to know how many countries with which we have tax treaties do not follow through with implementing legislation.

Senator Murray referred to a specific instance where problems arose in the past. Senator Angus seemed to know the example to which he was referring, and in his answer stated, "I understand that we no longer bring such bills forward because of the experience to which the honourable senator has referred." I do not know what example the two honourable senators were referring to, but I am sure that the Standing Senate Committee on Banking, Trade and Commerce will look into the matter and ensure that whatever has happened in the past does not occur in this instance or at any other time in the future.

Honourable senators, I look forward to participating in the study of this bill in committee.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Angus, bill referred to the Standing Senate Committee on Banking, Trade and Commerce.

THE ESTIMATES, 2006-07

NATIONAL FINANCE COMMITTEE AUTHORIZED TO STUDY SUPPLEMENTARY ESTIMATES (A)

Hon. Gerald J. Comeau (Deputy Leader of the Government), pursuant to notice of October 30, 2006, moved:

That the Standing Senate Committee on National Finance be authorized to examine and report upon the expenditures set out in the Supplementary Estimates (A) for the fiscal year ending March 31, 2007, with the exception of Parliament Vote 10.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I have a quick question, if I might. This motion is basically part of a pair with the motion immediately following. The question would actually dispose of both items, as far as I am concerned. I would like confirmation of my understanding, for those who do not know the estimates by heart, that Parliament Vote 10, which is the one that is excluded in the motion now before us, concerns the budget for the Library of Parliament, which is why the following motion refers to the Library of Parliament. Am I correct in that?

Senator Comeau: Indeed, the honourable senator is correct.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to.

[Translation]

MOTION TO REFER VOTE 10 TO STANDING JOINT COMMITTEE ON THE LIBRARY OF PARLIAMENT ADOPTED

Hon. Gerald J. Comeau (Deputy Leader of the Government): pursuant to notice of October 30, 2006, moved:

That the Standing Joint Committee on the Library of Parliament be authorized to examine the expenditures set out in Parliament Vote 10 of the Supplementary Estimates for the fiscal year ending March 31, 2007; and

That a message be sent to the House of Commons to acquaint that House accordingly.

Motion agreed to.

• (1610)

[English]

STUDY OF PROCEEDS OF CRIME (MONEY LAUNDERING) AND TERRORIST FINANCING ACT

INTERIM REPORT OF BANKING, TRADE, COMMERCE COMMITTEE ADOPTED

The Senate proceeded to consideration of the ninth report (interim) of the Standing Senate Committee on Banking, Trade and Commerce, entitled: *Stemming the Flow of Illicit Money: A Priority for Canada—Parliamentary Review of the Proceeds of Crime (Money Laundering) and Terrorist Financing Act*, tabled in the Senate on October 3, 2006.

Hon. Jeremiah S. Grafstein: Honourable senators, at the outset I want to thank all members of the committee, the staff, the clerk, the researchers and in particular my colleague Senator Angus for the assiduous work we did so quickly to focus on this important issue that affects the Canadian economy. The work of the committee presaged the introduction of a bill that is now before the other place. I want to thank all members of the Senate on this side and members on the other side for their commendable and hard work. We were all of a mind with regard to the 16 recommendations in the report which I urge all honourable senators to consider.

The question that honourable senators who are not engaged in the work of the Banking Committee should ask is: Why? Why did we study money laundering and the illicit transfer of funds from criminal activities to other criminal activities via laundering? Why did we consider the question of sourcing of illicit terrorist financing? Why is this such an important issue?

Honourable senators, this subject is important because money laundering and criminal activities within and without Canada and terrorism financing within and without Canada are two of the largest growth industries in Canada and in the world. In many instances, they outweigh and are greater than the economies of a number of countries. Thus it is important that we look at these questions to determine why the growth has been so deep, why these black holes are being filled in our economy, the nature of the black holes and how, as each of us on the committee came to realize, it affects each and every Canadian. We want our economy to be open, fair, transparent, productive and effective.

The committee discovered that there were capacious pools of illicit money growing and becoming deeper and wider and which can now be counted in the billions. We could not sort out the quantum, but we know the figure is large and growing rapidly. It is bigger than most businesses in Canada. In our way of speaking its illicitness undermines the effective operation of the national economy.

We discovered a number of large loopholes in the legislation. These are not malicious loopholes but transparent and open ones. They include the jewellery trade, precious metals and possibly lawyers. We came to the conclusion that these loopholes should be closed. We hope that, for instance, when the lawyers meet with the federal government they will try to come up with a formula that will protect the national interests on the one hand and

solicitor-client privileges and privacy on the other. This is an important question which we will be returning to study as this is just an interim report.

After our report we learned of abuses and other loopholes, such as the illicit transfer of automobiles and the use of insurance policies. We discovered, not to our amazement — the committee is very well experienced in these matters — that the criminal mind is agile and when a loophole is closed they can quickly seek out another loophole through which they can plow these illicit gains.

We concluded that our committee should provide a regular oversight to spot this illicit trafficking of money. The report makes a number of recommendations as to closing these loopholes and ensuring rapid enforcement of our laws.

We know that whenever we close one door another is opened. We hope that we can inspire prosecution teams across the country to move quickly with even more legislation that can with precision attack and prosecute these horrendous gaps in our economy.

As I mentioned, there is a new bill in the House. We in our committee intend to carefully review that legislation to ensure that it is as tight as it can be. We undertake and give this commitment on behalf of the committee that we will continue our surveillance and oversight of this issue. This is an ongoing matter. It is not something that will be solved in one day, or with one hearing, or with one report.

Our committee report, before honourable senators today, is a commendable first start. We have woken up the regulatory authorities, as well as governmental agencies, and not just those at the federal level, but those at the provincial and municipal levels, to look into this question of criminal activity.

I urge all honourable senators to examine this report and its carefully crafted and targeted 16 recommendations. Hopefully, we can struggle as best we can to protect and maintain a strong, transparent, honest and open economy that can only serve the best interests of all Canadians.

Hon. W. David Angus: Honourable senators, I would like to add a few words to those of Senator Grafstein in respect of this report. I do so because I want to emphasize for all honourable senators the importance of the word “interim”, for this is but an interim report.

We were seized with this matter pursuant to a statutory requirement that the legislation in question, that is the money laundering and financing of terrorism legislation, should be reviewed periodically. We were charged with carrying out the review at the Senate level. We were in the middle of our study when we suddenly found that the bill to which Senator Grafstein has referred, a bill which is now known as Bill C-25 which is making its way through the other place, needed to be introduced quickly. That is because Canada had been honoured by having one of our distinguished civil servants named as chairman of the international round table which deals on an ongoing basis with these matters of money laundering and illicit funds for financing terrorism. That particular round table was to meet in British Columbia last month. We had made certain undertakings and

obligations previously that we would introduce into our own domestic law. We found that we better not be going to that conference without having first brought in legislation in this regard.

That is what has happened, honourable senators. We then decided that we would bring in our recommendations so that the drafters of Bill C-25 would at least have the benefit of the work we had already done.

Originally, it was put to us that this would be a fairly routine study and that we would not need more than two or three days to examine witnesses. As Senator Grafstein said, we found to our surprise that this is a huge area that required a considerable amount of further study.

I will now share one or two vignettes that really shocked us. Senator Grafstein has mentioned the dimension of this problem. No one could give us a straight answer, which is because probably no one knows, as to the dollar amounts involved. However, we did have one law enforcement officer who estimated in the \$30-billion range of illicit funds in circulation. Although we were counselled not to use numbers, we did use a number of \$10 billion in our report. It is a very large problem.

Since we started doing the study I have now noticed that on almost every street corner in Montreal there are these money changing shops. I counted 13 of them yesterday just for fun. They are small shops which measure about 10 square feet. Many new ones are opening up. What is this about? I cannot say today without further evidence being brought before us how they are involved with money laundering. I am not talking about payday loan organizations. These shops are euphemistically called “money service shops”. They are everywhere. There simply are not that many people who walk along the streets of Montreal who are trying to change their pounds sterling into Canadian dollars. What is up?

We asked the RCMP to come back to us after their initial appearance with some specific information that we requested.

• (1620)

The response was an affirmative one and we waited for a number of weeks. To this day we have not received the information we require to conclude our study properly. We thought the best way to continue was to await the legislation as it comes through the process, hopefully have it referred to the Standing Senate Committee on Banking, Trade and Commerce, and then, as we review that legislation, expand our investigation into the issue and decide whether the legislation is appropriate to stem the tide and, as Senator Grafstein says, try to at least give a fair fight to that tricky criminal mind that seems to take advantage of all these loopholes.

Honourable senators, those are my comments with regard to our report. The report is receiving acclaim and that again is a tribute, not so much to us and the members, but to the wonderful work that our support staff, particularly in the Library of Parliament, gives us. They are so busy these days with all these reports that it boggles my mind how they manage to do them.

I read in yesterday's *Hansard* about how the clerks of the Senate and the staff in the library worked all night — or several nights — to put Bill C-2 in order. One of our clerks was seconded from our committee to help in the exercise, so I hope we give them the support they need to continue this great work they do for us.

The Hon. the Speaker pro tempore: If no other senator wishes to speak, this item is debated.

Senator Grafstein: If there are no further comments I move the adoption of the report.

Hon. Senators: Agreed.

The Hon. the Speaker pro tempore: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

Motion agreed to and report adopted.

ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

COMMITTEE AUTHORIZED TO MEET DURING SITTING OF THE SENATE

Leave having been given to revert to Notices of Motions:

Hon. Tommy Banks: Honourable senators, with leave of the Senate and notwithstanding rule 58(1)(a), I move:

That the Standing Senate Committee on Energy, the Environment and Natural Resources have the power to sit today at 5:00 p.m., even though the Senate may then be sitting, and that rule 95(4) be suspend in relation thereto.

Honourable senators, I have checked carefully and this is the only committee that meets at five o'clock today. We have two important witnesses having to do with the statutory review of the Canadian Environmental Protection Act, one of whom has flown to meet with us today from Toronto and must make a return flight tonight. Since it is the only committee that is sitting I ask for the leave for us to sit as contained in the motion.

Motion agreed to.

FOOD AND DRUGS ACT

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Callbeck, for the second reading of Bill S-205, to amend the Food and Drugs Act (clean drinking water).—(*Honourable Senator Banks*)

Hon. Wilbert J. Keon: Honourable senators, Bill S-205 amends the Food and Drugs Act by defining water provided by community water systems as a food and thereby bringing it

under federal authority. Under Bill S-205, the Canadian Food Inspection Agency, which is responsible for the enforcement of the act as it relates to food, would become responsible for inspecting community water systems.

The regulation of community water systems gained attention after incidents in Walkerton and North Battleford. By way of response, Senator Grafstein introduced nearly identical bills in the 37th and 38th Parliaments. Together with former member of Parliament Dennis Mills, he convened a water summit to explore the issue of water quality deficiencies including concerns about areas within the federal government's jurisdictions such as native reserves.

In the 37th Parliament, Senator Grafstein's Bill S-18 was referred to the Standing Senate Committee on Energy, the Environment and Natural Resources and reported without amendment. However, at third reading, senators raised serious federal-provincial jurisdictional concerns and the Senate referred the bill to the Standing Senate Committee on Legal and Constitutional Affairs for further study where it remained when the election of 2004 was called.

Finally, in the 38th Parliament, Senator Grafstein's Bill S-42 did not complete second reading as it was introduced shortly before Parliament was dissolved. Honourable senators, as the summary of Bill S-205 states:

This enactment amends the *Food and Drugs Act* to include water from a community water system as a food that is subject to regulation under the Act. Water systems that serve fewer than 25 persons or that operate less than 30 days a year are excluded.

The Act is amended to allow for the inspection of any place where water destined for human consumption is accumulated or collected or where any activity takes place that promotes the accumulation of such water, thus allowing for the inspection of lands that form part of the watershed. It also allows for the inspection of any place from which contaminants may escape into a drinking water source.

Honourable senators, the general ideals of providing safer drink water is something we can obviously endorse. After all, this continues to be an issue that will engage policy makers.

Consider some of the following facts. First, in 2004, the Organisation for Economic Co-operation and Development, OECD, pointed out that Canada faced considerable disparities in access to safe water supply. In this vein, the OECD report mentioned how the two major drinking water contamination incidents in Walkerton and North Battleford resulted in deaths and shook public confidence in the quality of Canada's drinking water management practices.

On a related front, in our 2005 report, the Commissioner of the Environment and Sustainable Development examined federal responsibilities for the safety of drinking water in Canada and found gaps that may put people's health at risk. For instance, on the issue of the federal government's partnership role with the provinces and territories for developing drinking water guidelines, the commissioner found that while the process is sound, it is sometimes slow. By way of illustration, at the current pace, the

commissioner expressed the opinion that it could take over 10 years to deal with the current backlog of about 50 drinking water guidelines that the federal government needs to examine to ensure that they are up to date.

A third area of concern, with respect to the federal government's role in ensuring safe drinking water, is the issue of First Nations and Inuit communities. The OECD, in its 2000 Environmental Performance Review of Canada, cited the fact that many First Nations and Inuit communities continue to lack adequate water supplies. For instance, a 2003 *National Assessment of Water and Waste Water Systems in First Nations Communities* indicated that 29 per cent of the 740 community water systems assessed presented a potential high risk that could negatively impact water quality. Another 46 per cent were classified as medium risks.

Canada's Commissioner of the Environment and Sustainable Development echoed her concerns in 2005, stating that:

People in these communities do not benefit from the same safeguards on drinking water as most Canadians who live off the reserves.

She stated this as the main reason for this lack of regulatory regime for drinking water in the First Nations communities and fragmented technical support available to First Nations for the design, construction, operation and maintenance of water systems. She also expressed the view that there are a number of management and operational issues that contribute to this, such as inconsistent implementation of government guidelines and failure to carry out water testing.

• (1630)

Finally, also related to the quality of drinking water to which some Canadians have access, the 2004 OECD report suggested that over 1 million Canadians routinely depend on wells that do not meet water quality guidelines for bacteria. By way of illustration, the OECD asserted that poor inspection and maintenance of septic tanks serving over one-quarter of the population, and inadequate attention to groundwater resource management, are sources of concern.

The OECD also pointed out that, depending on the region, 20 to 40 per cent of surveyed rural wells have occurrence of coliform bacteria. About 15 per cent of rural wells exceed nitrate guidelines. Naturally occurring trace minerals, such as arsenic fluoride, are also of concern.

I mention these points to illustrate the complexity and many dimensions of this issue of providing safe drinking water for Canadians. Obviously, Senator Grafstein's bill only pertains to water systems that serve more than 25 people, so some of the OECD's observations about rural wells are not applicable to the intent of this bill. Nonetheless, they bear mention in any discussion of the quality of water to which Canadians have access.

Honourable senators, the subject matter of this bill is more important than ever. Senator Grafstein is to be commended for bringing it forth, if only because it encourages a debate on this important issue. Nonetheless, I believe this bill does face much debate and consideration when it comes to committee.

We should bear in mind some federal-provincial-territorial jurisdiction matters that cannot be ignored. These jurisdictional issues were clearly articulated by former Senator Beaudoin in the debate over Bill S-18 in the first session of the Thirty-seventh Parliament. Senator Beaudoin, an eminent constitutional scholar, was of the strong opinion that jurisdiction over water, particularly water supply systems and water purification, falls under provincial jurisdiction.

He said:

The jurisdiction of the legislatures over municipal institutions is critical as regards the protection of the environment. Pollution is concentrated in cities and urban planning is now a leading sector. Regulations on zoning, sewers, waste collection, waterworks, water treatment plants, drinking water supply, sanitation of premises, sanitation and construction are made by provincial legislatures.

The senator buttressed his opinion by citing Peter Hogg, professor emeritus at Osgoode Hall, who also believes that water treatment is under provincial jurisdiction. According to Mr. Hogg's book, entitled *Constitutional Law in Canada*, 4th edition, page 738, Senator Beaudoin stated that:

This power and the power over municipal institutions, section 92(8), also authorizes municipal regulations of local activity that affects the environment, for example zoning, construction, purification of water, sewage, garbage disposal and noise.

The senator continued:

Moreover, section 109 of the Constitution Act, 1867, provides that the provinces are the owners of the natural resources located on their territory. There is no doubt that water is a natural resource.

While it is not my intention to get into a detailed discussion of the constitutional issues relating to Bill S-205 and its predecessors, the fact remains that the points made by former Senator Beaudoin strike at the core of the problem with Bill S-205. Simply put, extending the federal authority through the Food and Drugs Act over the quality of drinking water, an area over which provinces and territories are presently exercising their jurisdiction, is problematic within the context of ongoing federal-provincial-territorial jurisdictional dynamics and relationships.

In my view, the current division of responsibilities and federal-provincial-territorial collaboration are considered the most effective means of achieving the objective of ensuring safe drinking water and protecting the health of Canadians.

With this point in mind, there are nonetheless a number of things that the federal government can do in the areas of its own jurisdiction over water quality issues. For instance, with respect to water quality for First Nations, the Honourable Jim Prentice, Minister of Indian Affairs and Northern Development and Federal Interlocutor for Métis and Non-Status Indians, is to be commended for launching a plan of action to address drinking water concerns in First Nations.

This plan of action includes a number of things. First, it includes the implementation of protocol for safe drinking water for First Nation communities. Second, a component of this plan of action is mandatory training for all treatment plant operators and regimes to ensure that all water systems have the oversight of certified operators. Third, the plan allows for complete, specific remedial plans for First Nation communities with serious water issues. Fourth, the plan also entails setting up a panel of experts to give advice on the appropriate regulatory framework, including new legislation, developed with all partners. Finally, the plan announced by Minister Prentice contains a clear commitment to report on progress on a regular basis.

These are realistic and sensible measures, honourable senators. They are also an example of how a government can take action in an area that is clearly within its own purview.

As well, on the issue of the federal government's partnership role with the provinces and territories for developing drinking water guidelines, the federal government can become more vigilant in addressing what the Commissioner of the Environment and Sustainable Development states is sometimes a slow process. As I pointed out earlier in my speech, the commissioner found that at the current pace, it could take 10 years to deal with some of the problems, and this is obviously not acceptable.

In addition, we now have a new Public Health Agency of Canada and a Chief Public Health Officer. The network unfolding between the new Public Health Agency and the provincial-territorial Aboriginal medical officers provides a new opportunity for improvement in drinking water supply.

To conclude, we must congratulate Senator Grafstein for isolating this problem and for his persistence in dealing with it. The bill raises complex issues that will require considerable debate in committee, and I hope this enormously important subject enjoys the attention it deserves.

Some Hon. Senators: Hear, hear.

Hon. Jeremiah S. Grafstein: Might I close the debate briefly and then ask the house to opine on this bill? I would like to talk to it very briefly.

The Hon. the Speaker: I will notify the chamber then. If Senator Grafstein now speaks, it will have the effect of closing the debate.

Senator Grafstein: I thank Senator Keon for his commendable comments. I thank him for repeating the history of this bill, which has now been before this chamber for half a decade. Still, when we look at the result, the situation on the ground is that clean drinking water across Canada is in no better a state than it was five years ago, most specifically with the Aboriginal communities.

I commend Minister Prentice for his new initiative. This is the third initiative we have heard since this bill was introduced. I look at my colleagues from the Aboriginal communities and they nod in agreement — no action. This bill is meant to focus, in a precise way, action at both the federal and provincial levels to do what they are supposed to do, which is to enforce their laws and their commitment in their jurisdiction.

Honourable senators, I want to make some brief comments about the comments of Senator Keon and then I will close the debate.

First, Mr. Hogg's constitutional comments put some questions in my mind when he is raised as an authority in this place. If one looks at his text on constitutional law, he does not think this chamber is effective. He comes from New Zealand, a unitary state, and does not understand our bicameral system — notwithstanding the fact that, over and over again, people use him as a constitutional authority. I would rather rely on Mr. Justice Bora Laskin, or on others, for constitutional support than I would want to rely on Professor Peter Hogg. I have read his text from corner to corner and when he concludes that this chamber is not effective and does not have an effective role in a bi-cameral system, I disregard and discredit his comments on this issue or any constitutional issue.

• (1640)

Let us talk about the substance *in rem* and not about *ad hominem*. The federal government now regulates water in bottles, in parks, on planes, on trains and on ships, and it regulates soft drinks and packaged ice. It regulates all of these things and yet, the federal government still resists exercising its power in the food and drug arena. Our former colleague Senator Beaudoin said that this is a federal-provincial issue, which is correct. However, it is clear that even in the province of Quebec, the food and drug federal power has never been challenged, or by any province for that matter. I have sought to bring this proposed legislation of federal oversight, as legislated in the United States in 1974, to ensure that the provinces do the job they are mandated to do, which is to ensure that every Canadian receives clean drinking water. The provinces are not doing their job. The facts speak for themselves and cry out for redress. The honourable senator has pointed them out in this chamber and they have been pointed to in inquiry after inquiry; in Ontario, in Alberta, in Saskatchewan. As well, the OECD, to our shame and distress, has emphasized, and accumulated the facts to substantiate their position, that we do not have clean drinking water from coast to coast to coast.

The federal government has voluntary drinking water guidelines, which the provinces have agreed voluntarily to follow. As the Honourable Senator Keon pointed out, that voluntary guideline, we discovered from the Auditor General's report, is 10 years out of date. In Bill S-205, I ask only that those voluntary guidelines, which the provinces and territories follow, be made mandatory, be accelerated so that they are up to date, and can be robustly enforced.

This is not a federal-provincial issue. Rather, it is a case of provinces and governments ducking their responsibility to ensure that every Canadian is entitled to clean drinking water. It amazes me, honourable senators, that there are women in Newfoundland and Labrador with six or seven children who have to boil their water every day. That is Canada in the 21st century. It amazes me that 150 reservations have so many chemicals in their drinking water that native woman living on one of those reserves has to go off-reserve for three years to cleanse her womb so that her children are not born imperfect or deformed. It is a shame. It is scandal. The Senate represents all the regions of this country and the water issue is a national scandal in each and every one of

them. Yet, we sit back and talk about why we cannot proceed. There is no constitutional barrier. The judge in Ontario who studied Walkerton reported there is no constitutional barrier and the justice in Saskatchewan says there is no constitutional barrier. However, there is lack of political will. I commend Minister Prentice, who is a great guy. Mr. Chrétien said to me that the then government would bring in measures to guarantee clean drinking water and that it would handle the federal jurisdiction for the Aboriginal communities. Guess what, honourable senators, nothing happened. We do send drinking water plants to Afghanistan, Iraq and Africa. We send drinking water plants to Darfur, but we do not send drinking water plants to our native communities. It is a national scandal.

I would call upon all honourable senators to understand the importance of water in everyday use to wash dishes, clothing and give eight glasses a day of clean water to children. When parents cannot give their children clean drinking water every day, it is a shame. I do not understand why housewives do not rise up and demand, "let us have clean drinking water in our communities"; and where are the women's groups? There are communities in Quebec without clean drinking water, in this day and age. Yet, Quebec wants still more powers. To do what? Not to give their communities clean drinking water. I urge the second reading of this bill so that it can be referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

Motion agreed to and bill read second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Grafstein, bill referred to the Standing Senate Committee on Energy, the Environment and Natural Resources.

INCOME TAX ACT

BILL TO AMEND—SECOND READING— DEBATE CONTINUED

On the Order:

Resuming debate on the motion of the Honourable Senator Austin, P.C., seconded by the Honourable Senator Carstairs, P.C., for the second reading of Bill S-215, to amend the Income Tax Act in order to provide tax relief.—(*Honourable Senator Tkachuk*)

Hon. David Tkachuk: Honourable senators, Bill S-215 has been on the *Order Paper* and *Notice Paper* for 13 sitting days. I have adjourned the debate but I am unable to speak today to complete my adjournment. I talked to Senator Austin and I would move that debate be continued to the next sitting of the Senate.

Motion agreed to.

[Senator Grafstein]

CRIMINAL CODE

BILL TO AMEND—SECOND READING

On the Order:

Resuming debate on the motion of the Honourable Senator Grafstein, seconded by the Honourable Senator Banks, for the second reading of Bill S-206, to amend the Criminal Code (suicide bombings).—(*Honourable Senator Comeau*)

Hon. A. Raynell Andreychuk: Honourable senators, I rise today to address Bill S-206, to amend the Criminal Code (suicide bombings) introduced by our colleague, Senator Grafstein. In his second reading remarks, Senator Grafstein was clear in articulating the objectives of Bill S-206. Simply put, the bill seeks to bring greater certainty to the definition of what is considered "terrorist activity" under section 83.01 of the Criminal Code. It purports to do this by explicitly identifying suicide bombings as a terrorist activity.

Honourable senators, the provisions of the Criminal Code of Canada are not static. It is a continually evolving document, taking into account the social changes and various technological advances in society and any other issues that society deems to be inappropriate and in need of change under the Criminal Code. We often clarify legislative criminal offences in the Canadian Criminal Code when it is deemed advisable.

Honourable senators, Senator Grafstein has said with clarity, both in this current session and when he introduced this bill in the previous Parliament, that Canada's current definition of "terrorist activity" in the Criminal Code of Canada is complicated and often unclear. Senator Segal also spoke to this initiative. The concern is that the definition of "terrorist activity" in the Criminal Code continues to be complicated and unclear. It needs clarifying, particularly if we are to give voice to the fact that we do not tolerate suicide bombings in any form.

Honourable senators, the Government of Canada is also concerned about this issue. However, I am uncertain whether "terrorist activity" in its definition as currently stated, needs to be changed, or will be changed as a result of our ongoing study of the Anti-terrorism Act and the various terrorist activities that have occurred in recent years.

• (1650)

As this chamber is aware, the Senate began its review of the act much earlier, in December 2004. During that session of Parliament, the committee held approximately 47 meetings and heard from 141 witnesses.

During this session, the committee has already heard from the Minister of Justice and the Minister of Public Safety and Emergency Preparedness and has concurred in the need to clarify, I believe, the definition of what constitutes terrorist activity. At least there have been discussions of its need in that regard.

Both the House, which has tabled an interim report, and our Senate committee, which is in the process of drafting its report, should be taken into account. The recommendations contained in these reports will contribute to the government's response in reviewing the Anti-terrorism Act.

Honourable senators, the government is required to respond to the reviews of the Anti-terrorism Act of the Senate and the House of Commons by the end of February of next year. While we think it is generally supportive of the spirit of this bill, I also believe that the proper venue to effect change should be as a part of the comprehensive package of changes to the Anti-terrorism Act in response to the committee's work, both here in the other House.

Until then, I think it is important that we continue to consider the public policy issue that has been raised in this bill. We should await the government's process in due course and respond to the excellent work that I believe our committees are accomplishing.

In addition, we now have a decision from the Superior Court of Ontario that has struck down as unconstitutional an element of the definition of terrorist activity in the Criminal Code. This is the provision requiring proof that persons were motivated by an ideological, religious or political purpose, objective or cause regarding the activity for which they have been charged. This is an issue that our committee on anti-terrorism has been struggling with and has commented on in its debate with witnesses.

While I believe that suicide bombing should not be tolerated, and I believe most Canadian citizens agree, we want to be certain that we identify it correctly, and we must ensure that it can pass a constitutional and judicial response.

Therefore, I believe that we should continue to be mindful of the need to denunciate the acts of suicide bombing. We should be carefully including that every life is important, whether it is in Canada or elsewhere, and that the taking of civilian lives, especially in any conflict, is not warranted.

Hon. Hugh Segal: I want to be clear, particularly regarding the last part of the honourable senator's reflection on the motion.

Is she suggesting there is some constitutional right, perhaps relating to the Charter or something else, that would in some way be affected by a specific reference in the Criminal Code to suicide bombing?

Is there some right with respect to expression or some other matter that is protected in the Charter that in some way might be affected by an interdiction that is explicit relative to suicide bombing?

Senator Andreychuk: That was not my intention, if that is what the honourable senator read into my comments. My intention is quite the contrary. I tried to state that I personally do not believe we should tolerate in any form or manner, whether in a legal sense or otherwise in our society, suicide bombings. The taking of innocent lives is not appropriate.

I am saying that we should be very careful when crafting clauses dealing with terrorism. I believe the government, the first time around in its definition of terrorist activity, thought it was doing the right thing, but practice pointed out that the unintended consequence led to racial profiling.

I am not certain how in recrafting a terrorist definition we will take in all of these issues and frame a definition that is appropriate and can withstand any legal or constitutional challenge. In a broad statement, I meant we should have an

effective definition that we all agree with. That is the role of the two committees that have been working on anti-terrorism, to ensure their best advice is given, and ultimately for the government to weigh and bring in a definition.

Whether the portion on suicide bombings is put in for denunciatory or necessary reasons again is a value judgment of how one crafts it.

My concern sitting on the Standing Senate Committee on Legal and Constitutional Affairs is that, often in a political arena, we have good ideas, but that in the drafting and crafting of legislation we sometimes fall short. Groups like the Standing Senate Committee on Legal and Constitutional Affairs, after the government has had its say, go ahead and ensure that the drafting is appropriate and understandable, and we call witnesses to hear whether there is at least a consensus that we are on the right track in wording.

Good ideas sometimes fail in the delivery and the drafting, and that was what I meant by the comments I made.

Hon. George Baker: I am wondering whether the honourable senator would agree that the judgment of the Superior Court of Ontario concerned an explicit definition with some specificity on motivation contained in the definition.

Could the honourable senator, given that she has had experience with judicial matters in her past, tell the Senate whether on its face the proposal of Senator Grafstein does not provide some certainty and whether she would be supportive of referring the matter to the Legal Committee?

Senator Andreychuk: Perhaps the honourable senator has stated it more eloquently than I. I did start out by stating that I support it in principle and that a committee should look at it.

I went further in that the government has indicated it wants to hear from the two committees. In fact, our committee on anti-terrorism was quite insistent that we wanted to finish our work and give our best advice to the government. I have no difficulty with what the honourable senator is proposing.

As I say, I think all good Canadians agree with the principle. I am concerned about how it is crafted and whether it can withstand the test. I will make no comment on the judgment from the Superior Court of Ontario, simply because it speaks for itself as a judgment. However, we need to know whether it will be appealed and whether it is still before the court.

I will refrain from making any further comment — something I learned from my days on the bench.

Hon. Jeremiah S. Grafstein: I have a brief question. I thank the honourable senator for a very lucid and clear-cut analysis of my bill. I had hoped she would emphasize the word "clarity," as she did. The bill adds the words "For greater clarity..." to a proposed new subsection of section 83.01 of the Criminal Code. It is meant to deal with exactly the issue Senator Baker was saying the Superior Court of Ontario is concerned about, that being lack of clarity, lack of precision and lack of *mens rea*.

The whole idea was to make this bill absolutely clear. It does not, in my view and analysis, hinder anything else that the other committees are working on. It does provide instant clarity to a subject matter that is of great concern to Canadians at home and abroad, and that is that suicide bombing is abhorrent, it is a criminal act and it should be made absolutely clear in the Criminal Code of Canada that it is an act we do not tolerate in any way, shape or form.

• (1700)

Suicide bombing falls below our civilized standard. The Criminal Code is meant to establish civilized standards. With the concurrence of honourable senators, we can refer this bill to the committee and hear the legal experts who are prepared to come forward to deal with the question the honourable senator raised, whether this amendment is appropriate and clear enough to accomplish the goal of ensuring that in our civilized society we find suicide bombings abhorrent and beyond civilized conduct.

I ask that this bill be referred to the Standing Senate Committee on Legal and Constitutional Affairs, where we can call witnesses and proceed.

Senator Andreychuk: Honourable senators, I leave it to the leadership to determine to which committee this bill will be referred. They appear to be consulting at the moment.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and bill read the second time.

REFERRED TO COMMITTEE

The Hon. the Speaker: Honourable senators, when shall this bill be read the third time?

On motion of Senator Grafstein, bill referred to the Standing Senate Committee on Legal and Constitutional Affairs.

SCRUTINY OF REGULATIONS

THIRD REPORT OF JOINT COMMITTEE ADOPTED

The Senate proceeded to consideration of the third report of the Standing Joint Committee for the Scrutiny of Regulations (Report No. 77 — Tabling of Statutory Instruments), tabled in the Senate on October 26, 2006.—(*Honourable Senator Eyton*)

Hon. J. Trevor Eyton: Honourable senators, I have the honour to present to the Senate a brief summary of the third report of the Standing Joint Committee for the Scrutiny of Regulations, tabled on Thursday last. It draws our attention to the frequent failure to table instruments of delegated legislation in Parliament, as required by various federal statutes.

The tabling of documents constitutes a fundamental procedure of Parliament. It ensures that members have access to the

information necessary to effectively deal with the issues before Parliament. The contravention of a statutory duty to table a particular instrument of delegated legislation constitutes a *prima facie* breach of the privileges of Parliament and may be treated as contempt.

Regulation-making authorities need to be vigilant of statutory tabling requirements. Careless disregard for the laws made by Parliament reflect a lack of respect not only for Parliament, but also for the rule of law. The standing joint committee strongly reminds our regulation-making authorities to review their internal procedures to ensure these requirements are not overlooked or ignored.

Honourable senators, I move adoption of this report.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question!

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Motion agreed to and report adopted.

POST-SECONDARY EDUCATION

INQUIRY—DEBATE CONTINUED

On the Order:

Resuming debate on the inquiry of the Honourable Senator Tardif calling the attention of the Senate to questions concerning post-secondary education in Canada.—(*Honourable Senator Segal*)

Hon. Hugh Segal: Honourable senators, I rise today on the inquiry of Senator Tardif regarding the state of post-secondary education in Canada.

In order for us to increase the sense of public priority as it relates to higher education, we must begin by changing public views and public expectations on the subject. Education, and the chance or not for an education, was a determining factor in the lives of our parents and grandparents. In their minds, access to higher education for their children meant the difference between prosperity and a less constructive existence. It meant the difference between success and failure.

Education as a public policy issue combines economic, social and productivity investments. I agree fundamentally with Senator Tardif when she stated: "The issue is critical to the future success of Canada."

As an adjunct member of the faculty of Queen's University and a great supporter of our universities, I will say that there is more that universities can do on some of the issues that really matter. The institutions need to come down somewhat from their ivory towers of unearned privilege and, on occasion, levels of governance and self-indulgence that separate them from the public they serve.

How many university senates, for example, or boards of governors or faculty councils have any poor or disadvantaged members? How many local community people who are neither rich nor influential are on university boards? May I also suggest that the relationship between universities and their college cousins across the country, while improving, needs much more work. There is some but not enough cooperation, a lack of recognition of the hard work done by college students when they attempt to move into the university stream and, on occasion, vice versa.

The infighting does nothing to advance public perception regarding post-secondary education. It is long past the time for the implementation of a standardized and transparent equivalency standard so that due credit can be given and transferred between institutions. Insisting that students repeat course material already covered elsewhere because of an elitist or proprietary sense of importance is counterproductive. The aim should be to have a student-centred system, easing — not blocking — the way for students to continue their studies between institutions at different points in their educational lives. The life of a post-secondary student is not a straight line. They have choices to make about work and family and other obligations, and our system should be adapting to that situation, not making it more difficult.

Cooperation between post-secondary institutions benefits not only the institutions, but also the students whose aims and ambitions may change over time and whose previous efforts should not go unrecognized.

Students wishing to enrol in post-secondary education come from varying backgrounds and financial needs. No student who qualifies for admittance should be held back for financial reasons from entering a post-secondary institution in this country. That was the Bill Davis principle in Ontario when he was Minister of University Affairs, and many have embraced it ever since as the *sine qua non* of an open post-secondary system.

For this reason, I want to put the premise of income contingent repayment before honourable senators. This is not a new idea. This plan has been working successfully in Australia for a number of years. Such a plan may require that the federal government introduce a nationwide framework to prime the pump. However, it would provide young people with the flexibility, regardless of financial ability, to enrol in classes without paying tuition prior to enrolment. Repayment of the cost would begin after university through the income tax system based on their ability to pay.

This plan has its critics, the most vocal charging that this is simply a way to increase tuition and incur a lifelong debt. Let me draw an analogy from the royal commission in Ontario that dealt with this issue and made this recommendation.

• (1710)

If one were to tell someone the lump sum total of what he or she would pay into their pension over a lifetime, the response would be incredulity: How can I possibly pay that much into the Canada Pension Plan? However, the truth is most of us do it.

The same reasoning would apply when instituting an income-contingent repayment program. It would simply be a longer-term obligation based on one's ability to pay, rather than an enforced

\$30,000, two-year repayment program managed by credit agencies at the expense of the self-respect of our young men and women graduating with these debts. If one can afford to repay in two years, then certainly do so. For others, it would be a long-term, low-interest loan for which they are getting the benefit up front.

Should the benefits of education help people to achieve higher-paying employment, repayment could occur more quickly. The plan would lessen or even eliminate the possibility of default. It would do away with unreasonable debt repayment obligations.

Post-secondary education is one of the cornerstones of our success as a nation, and more must be done to keep talented researchers at home, stave off shortages of skilled labour and keep pace with global competitors.

This is a quote from our current Minister of Finance, the Honourable Jim Flaherty, at a recent Queen's University conference at the School of Policy Study:

The Government of Canada does recognize the importance of its investment in post-secondary education. For this reason, the government has embraced working toward providing long-term predictable funding for the post-secondary sector. I stress the term "predictable" because the institutions have not known from year to year what, if any, funding might be expected.

Minister Flaherty emphasized in his May budget that Canada's necessary increase in productivity in an internationally competitive environment would require substantial investment in education, as well as in research and development.

While the constitutional jurisdictional authority for education lies primarily with the provinces, the federal government has more than a peripheral role to play. The Association of Universities and Colleges of Canada, in September of this year, made a submission to the government regarding its perception of the federal government's responsibilities to Canadian universities and aptly summarized the area where the feds can and should play a role.

As Minister Flaherty outlined, the government intends to make its share of investment in education at the post-secondary level. \$40 million more has been allocated for indirect costs of research, which brings the new total to \$300 million, a 15.38 per cent increase. \$17 million more has been allocated for NCERT, \$17 million more for CIHR, \$6 million more for SSHRC, and \$20 million more for the Leaders Opportunity Fund at the Canadian Foundation for Innovation. As well, \$1 billion have made available to the Post-secondary Education Infrastructure Trust to support urgent infrastructure needs.

I do not view the federal government's role here as gatekeeper to the bank vault. Provincial and federal governments must get out of the business of policing tuition fees and instead provide support for low-income students, R&D and infrastructure, as mentioned previously.

Every reliable statistical indicator marks a solid post-secondary degree as a key step to a brighter and more economically productive individual future. Universities and colleges need to do everything they can to reach out, gather in, hold to high

standards, and energize the excellence we require as a society. Every young person should be able to participate in post-secondary education should they choose to.

I support Senator Tardif's suggestion that this institution focus on post-secondary education and consider establishing a study on the subject in order to identify where and how the federal government might enhance its presence and do whatever is feasible to place Canada's educational institutions and its graduates front and centre in the global economy.

Government must engage amid the infrastructure of research support at the high end and economic access for the disadvantaged. Education provides hope for individuals, and people with prospects, ideas and aspirations are the cornerstone of any industry, company, government department or scientific research centre. Following the dots leads to the inevitable conclusion that education and investment in education points to a successful society, one that is able to boast of its achievements, its ideas, its inventions, its standards and its standing in the world. Post-secondary education is the key to the Canadian dream. We must not deny any of our young people access to that dream.

On motion of Senator Champagne, debate adjourned.

BUSINESS OF THE SENATE

Hon. Joan Fraser (Deputy Leader of the Opposition): Honourable senators, I wonder if I might crave the indulgence of the chamber. This is in many ways an unusual day, indeed an unusual time, and we have had a very busy Order Paper. The hour is growing late and many senators have pressing obligations. We know the Energy Committee is meeting, but I know that other senators have committee obligations which are immediate and urgent. I also know that a substantial number of other senators have what I suppose would best be termed public business commitments that are urgent for them at this time.

Therefore, senators, I would ask leave of the chamber to call now, out of their normal order, two items: First, Inquiry No. 12, which is by the Honourable Senator Callbeck; and then the motion which now has the No. 111, that is, the motion that Senator Carstairs was given leave earlier this day to consider later this day. I would ask the chamber's leave to proceed with those two items now.

[Translation]

Hon. Gerald J. Comeau (Deputy Leader of the Government): Honourable senators, I fully agree with this proposal. Many senators must attend committee meetings.

We could suggest to the Senate that all items on the Order Paper and Notice Paper that have not been reached stand in their place for the next sitting of the Senate.

[English]

Hon. Serge Joyal: Honourable senators, I notice that Motion No. 81 in my name is standing at day 13. The last two days I was ready to speak on the motion, but because there was a decision to postpone all the items, I will not be able to address the motion

again today and I will not be able to attend tomorrow in order to address it. Therefore, I would seek leave of the chamber to set the clock back on the motion. That would save the time of the house today.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

IMMIGRATION POLICY

INQUIRY—DEBATE ADJOURNED

Hon. Catherine S. Callbeck rose pursuant to notice of June 22, 2006:

That she will call the attention of the Senate to the importance of Canadian immigration policy to the economic, social and cultural development of Canada's regions.

She said: Honourable senators, this inquiry stands at day 13. I initiated the inquiry to call the attention of the Senate to immigration policies, how they affect the regions, particularly Atlantic Canada and Prince Edward Island. I know that the hour is late and therefore I would move adjournment of this item for the balance of my time.

On motion of Senator Callbeck, debate adjourned.

• (1720)

THE SENATE

MOTION TO STRIKE SPECIAL COMMITTEE ON AGING—DEBATE ADJOURNED

Hon. Sharon Carstairs, with leave of the Senate and notwithstanding rule 57(1)(d), moved:

That a Special Committee of the Senate be appointed to examine and report upon the implications of an ageing society in Canada;

That, notwithstanding rule 85(1)(b), the Committee comprise seven members, namely the Honourable Senators Carstairs, P.C., Chaput, Cordy, Johnson, Keon, Mercer, and Murray, P.C., and that three members constitute a quorum;

That the Committee examine the issue of ageing in our society in relation to, but not limited to:

- promoting active living and well being;
- housing and transportation needs;
- financial security and retirement;
- abuse and neglect;

[Senator Segal]

- health promotion and prevention; and
- health care needs, including chronic diseases, medication use, mental health, palliative care, home care and caregiving;

That the Committee review public programs and services for seniors, the gaps that exist in meeting the needs of seniors, and the implications for future service delivery as the population ages;

That the Committee review strategies on ageing implemented in other countries;

That the Committee review Canada's role and obligations in light of the 2002 Madrid International Plan of Action on Ageing;

That the Committee consider the appropriate role of the federal government in helping Canadians age well;

That the Committee have power to send for persons, papers and records, to examine witnesses, to report from time to time and to print such papers and evidence from day to day as may be ordered by the Committee;

That the Committee have power to adjourn from place to place within Canada;

That the Committee be authorized to permit coverage by electronic media of its public proceedings with the least possible disruption of its hearings;

That, pursuant to Rule 95(3)(a), the Committee be authorized to meet during periods that the Senate stands adjourned for a period exceeding one week;

That the Order of Reference to the Standing Senate Committee on Social Affairs, Science and Technology concerning the ageing of the population, adopted by the Senate on June 28, 2006, be withdrawn; and

That the Committee present its final report to the Senate no later than December 31, 2007, and that the Committee retain all powers necessary to publicize the findings of its Final Report until March 31, 2008.

She said: Honourable senators, I want to answer some anticipated questions about this special study. The Senate has already approved this study, but the chamber approved it to go to the Standing Senate Committee on Social Affairs, Science and Technology.

We are suffering from what I would like to call senatorial activism. There are a number of studies that a number of senators wish to conduct, and so the Standing Senate Committee on Social Affairs, Science and Technology will be very busy with a city study and a study that I anticipate will be introduced shortly by Senator Keon on population health. This motion would take this subject away from the Standing Senate Committee on Social Affairs, Science and Technology and establish it as a stand-alone committee.

Just so senators are aware, all senators that have been named to this committee have agreed to sit on Mondays from one o'clock to 3:30. They have agreed that travel across the country will be of a very limited nature, because we think we can do it by bringing witnesses here to Ottawa and by making very liberal use of video conferencing to engage others across the country.

Honourable senators, I assure you that it is not my intention that this be an expensive study. I have done one other special study since I came to the Senate, that being end-of-life care, the right of every Canadian, and it cost the Senate a total of \$7,000. I do not anticipate that this study will be quite as inexpensive as that, but I assure honourable senators that I will watch the numbers very carefully, because we have limited dollars to spend on committee work and I want to spend it in the most effective way.

I do not think there is any point in going into the detailed areas we will study, because, quite frankly, honourable senators, you already approved that last June.

Hon. Terry Stratton: Honourable senators, I thank Senator Carstairs for that explanation as to the numbers and how she arrived at them. My bigger concern is that this is the third special committee that is currently under way in the chamber, each requiring senators to work on them. As a result, there are senators who are now serving on upwards of four, five or six committees — which is causing a great deal of trouble. The situation is simply getting untenable.

How many more special committees does the other side have in mind? Honourable senators must realize that special committees cost money, while subcommittees do not. I am chair of a subcommittee on budgets, as an example. The Subcommittee on Veterans Affairs is another example. The chairs and deputy chairs are not paid. In terms of special committees, the chair is paid \$10,000 and the deputy chair is \$5,000. That is \$45,000 in the three special committees we have now established. The honourable senator will come to the subcommittee on budgets and request money. As we all know, that money is limited, and the pressure upon that money is ever-increasing.

I would ask that honourable senators take into serious consideration putting a stop to any more special committees. First, they cost a lot of money, and second, there is a matter of staffing.

Senator Carstairs: I cannot speak for the leadership. I do not know whether we anticipate there will be any other special studies. We have had one, as the honourable senator knows, on Senate renewal, but I think that has been a very cost-effective study. I know we have one on terrorism, and that, too, has been very cost effective.

I think it is impressive that we have a number of senators who wish to participate and engage themselves in additional work, which is why I was careful to plan the timing such that it would not conflict with other committees they would be sitting on. In fact, some of them, like myself, already sit on the Standing Senate Committee on Human Rights, which meets at four o'clock on Mondays. Others who have agreed to join sit on the Standing Senate Committee on Official Languages, which sits at four o'clock as well. I believe we have made the best and most effective use of both manpower and timing.

Hon. Gerald J. Comeau (Deputy Leader of the Government): I have a few questions. My understanding is that, generally, committee members are chosen by the Senate Committee of Selection. I note in this motion that the members are named. Is this a pro forma naming and they may wind up to be the same? I am probably prejudging the answer. As well, my impression was that special committees only had six members rather than seven.

Senator Carstairs: I did a review of that because Senator Stratton gave us a heads-up earlier. In fact, almost all the special committees have been odd numbers, not even numbers. I did not think we needed to go to nine or 11. I felt seven was more than adequate for this study. In terms of the other aspect of your question, I think we will be able to do this study with seven members.

In terms of the Selection Committee, there are two ways, of course, of introducing any committee. One is to do it as we do at the beginning of a session and allow the names to go to the Selection Committee. I chose to go the route of actually contacting individual senators, because I wanted senators who were deeply committed to the concept of aging within our community and I did not want to overburden anyone with additional work. That is why I approached them individually.

Hon. Joan Fraser (Deputy Leader of the Opposition): I do not know whether Senator Carstairs was in the chamber the day I had

the pleasure of moving the motion for the creation of the Special Senate Committee on Senate Reform. She has far more experience in procedural matters than I, but at that time it was deemed sufficiently important to name the members of the committee, so we actually named pro forma members of the committee. I explained to the chamber that we were doing that in order to fill the slots but that those names would then later be changed, obviously by agreement of both sides. I believe what I did then was what precedent suggested, which would indicate what Senator Carstairs is doing now. Has the honourable senator any concept of that precedent?

Senator Carstairs: Yes, it is not uncommon to do a pro forma list, but I did not want to do that. I wanted to approach the individual senators and gauge whether they had the time and the interest to be engaged in this. The seven people who have been named today are in fact seven people who have committed themselves to this study.

Hon. John G. Bryden: Honourable senators, I was about to suggest a possible solution to the staffing shortage, but I reconsidered. Discretion really is the better part of valour.

On motion of Senator Comeau, debate adjourned.

The Senate adjourned until Wednesday, November 1, 2006, at 1:30 p.m.

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